

THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

1934

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Washington, Friday, June 4, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10533

DESIGNATING THE ORGANIZATION OF AMERICAN STATES AS A PUBLIC INTERNATIONAL ORGANIZATION ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669), and having found that the United States participates in the Organization of American States pursuant to the treaty of April 30, 1948 (T. I. A. S. 2361), I hereby designate such organization as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act.

The designation of the Organization of American States as a public international organization within the meaning of the International Organizations Immunities Act is not intended to abridge in any respect privileges, exemptions, and immunities which the Organization may have acquired or may acquire by treaty or congressional action.

The designation of the Organization of American States made by this order shall be deemed to include the designation of the Pan American Union, and the designation of the Pan American Union made by Executive Order No. 9698 of February 19, 1946, is hereby superseded.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 3, 1954.

[F. R. Doc. 54-4332; Filed, June 3, 1954;
10:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 430—DAIRY PRODUCTS

SUBPART—DAIRY PRODUCTS LOAN BULLETIN

This bulletin contains the regulations applicable to the 1954-55 Milk and But-

terfat Price Support Program whereby the Commodity Credit Corporation (hereinafter referred to as CCC) offers to make loans on dry whey, dry whey product, condensed whey and dry buttermilk.

- Sec.
- 430.155 Administration.
 - 430.156 Availability of loans.
 - 430.157 Base inventory.
 - 430.158 Quantity eligible for loan.
 - 430.159 Loan rates.
 - 430.160 Interest rate.
 - 430.161 Disbursement of loans.
 - 430.162 Approved storage.
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 - 430.168 Transfer of borrower's interest.
 - 430.169 Insurance.
 - 430.170 Loss or damage to eligible commodities placed under loan.
 - 430.171 Personal liability of the borrower for the commodity placed under loan.
 - 430.172 Maturity of loans.
 - 430.173 Payment of loans.
 - 430.174 Satisfaction of loan.
 - 430.175 Audit of records.

AUTHORITY: §§ 430.155 to 430.175 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 201, 63 Stat. 1052; 15 U. S. C. 714c, 7 U. S. C. 1446.

§ 430.155 *Administration.* This subpart will be administered by the Livestock and Dairy Division, Commodity Stabilization Service (hereinafter referred to as CSS) under the general direction and supervision of the Executive Vice President and the President, CCC, and in the field will be carried out by the CSS Commodity Office, 1010 Broadway, Cincinnati 2, Ohio. Manufacturers of dry whey, dry whey product, condensed whey and dry buttermilk interested in participating in the program should contact the Cincinnati CSS Commodity Office, through which loans will be made.

§ 430.156 *Availability of loans—(a) Area.* Loans will be available on eligible dry whey, dry whey product, condensed whey and dry buttermilk that are manufactured and stored in the continental United States.

(b) *Where and when to apply.* Applications for loans shall be filed with the CSS Commodity Office, 1010 Broad-

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 7: Parts 900 to end (\$1.25)

Title 26: Parts 170 to 182 (\$0.75)

Title 26: Parts 300 to end, and Title 27 (\$1.00)

Previously announced: Title 3, 1953 Supp. (\$1.50); Titles 4-5 (\$0.60); Title 8 (\$0.35); Title 9 (\$0.50); Titles 10-13 (\$0.50); Title 16 (\$1.00); Title 17 (\$0.50); Title 18 (\$0.45); Title 20 (\$0.70); Titles 22-23 (\$1.00); Title 24 (\$0.75); Title 25 (\$0.45); Title 26: Parts 80-169 (\$0.50); Parts 183-299, Revised 1953 (\$5.50); Titles 28-29 (\$1.25); Titles 30-31 (\$1.00); Title 33 (\$1.25); Titles 35-37 (\$0.70); Titles 40-42 (\$0.50); Titles 44-45 (\$0.75); Title 46: Parts 1-145 (\$0.35); Title 49: Parts 1-70 (\$0.60); Parts 71-90 (\$0.65); Parts 91-164 (\$0.45); Parts 165 to end (\$0.60)

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way, Cincinnati 2, Ohio, not later than October 15, 1954, and loans shall be disbursed not later than October 31, 1954.

(c) *How to apply.* Application for loan shall be made on a form approved by CCC and shall be supported by a note, loan agreement, warehouse receipt, inspection certificate and such other documents as CCC may require.

(d) *Eligible borrower.* An eligible borrower shall be any individual, partnership, cooperative, or corporation manufacturing dry whey, dry whey product, condensed whey and dry buttermilk at any time from March 31, 1954, through August 31, 1954.

(e) *Eligible commodity.* Dry whey, dry whey product, condensed whey and dry buttermilk which has been manufactured by the eligible borrower and which is of a quality suitable for animal feed or better owned by an eligible borrower on the last day of any month after the date of this bulletin but not later than August 31, 1954, and which meets the requirements set forth in this subpart is eligible for a loan, subject to the quantity limitations set forth in this subpart. The eligible commodities shall be the products made by removal of water from liquid cheese whey or buttermilk from which nothing has been removed, except part of the lactose in the case of dry whey products, and to which nothing other than milk products has been added except those additives (other than filler) that are common commercial practice. Such additives shall not exceed 3 percent of the total solids in the commodities. The borrower shall at the time of applying for loan furnish CCC a statement describing and indicating the quantities of additives used. CCC reserves the right to disapprove applications for loans on commodities containing an additive that is not acceptable to CCC. In applying for loan the borrower warrants that the commodities pledged as collateral meet all of the requirements of the Federal and State laws and regulations relating to feeds.

(1) Dry whey shall be free from putrefactive odors, free from solid caking or solid lumps. It shall contain not less than 10 percent protein, not less than 55 percent lactose, and not more than 8 percent moisture and shall be of a quality otherwise suitable for storage. The dry whey shall be packed in the following container or other containers approved by CCC: Multi-wall paper bag, approximately 23 by 39 inches in size. Construction shall be 4 walls each of 45-pound paper with each wall crinkled to 18 percent. Two interior walls to be laminated together with 40 pounds of odorless asphalt per ream. Outer wall to have melamine resin treatment for making number one wet strength. All walls to be crested together with latex rubber water soluble compound. Center seam to be bounded together with latex compound. Bottom of bag to be closed using 90 pound duplex tape sewn with 1-5 twine. Top of bag to be sewn, but no tape used.

(2) Dry whey product shall contain not less than 14 percent protein, not less than 48 percent lactose and not more than 8 percent moisture. The dry whey product otherwise shall meet the specifications, including packaging, for dry whey.

(3) Condensed whey shall be free from putrefactive odors, have a total solids content of not less than 50 percent and pH value of not greater than 4.5, and otherwise shall be suitable for storage in accordance with commercial practice. The condensed whey shall be placed in storage tanks or commercial packages approved by CCC.

(4) The dry buttermilk shall be free from putrefactive odors, free from solid caking or solid lumps, contain not less than 30 percent of protein and not more than 8 percent of moisture. The dry

buttermilk shall be packed in the bag described above for dry whey or other containers approved by CCC.

§ 430.157 *Base inventory*—(a) *Eligible whey products (dry whey, dry whey product and condensed whey)* Each eligible borrower's base inventory of eligible whey products (dry whey, dry whey product and condensed whey) shall be the quantity of milk solids contained in such products which were owned by him on March 31, 1954, or, at the option of the borrower, the 1952-54 average quantity of milk solids contained in such products owned by him on March 31, plus, in either case, the cumulative amount by which his production of milk solids in such products after March 31, 1954, is above (1) his production in the corresponding period of 1952 plus 10 percent, or, at the option of the borrower, (2) his production in the corresponding period of 1953.

(b) *Eligible dry buttermilk.* Each eligible borrower's base inventory of dry buttermilk shall be the quantity of milk solids contained in dry buttermilk owned by him on March 31, 1954, or at the option of the borrower, the 1952-54 average quantity of milk solids contained in dry buttermilk owned by him on March 31, plus, in either case, the cumulative amount by which his production of milk solids in dry buttermilk after March 31, 1954, is above (1) his production in the corresponding period of 1952 plus 10 percent or, at the option of the borrower, (2) his production in the corresponding period of 1953.

(c) *Determination of quantity and quality of milk solids.* The words "milk solids" as used in this subpart are deemed to mean milk solids plus permitted additives. For purposes of determining base inventory, the milk solids content of condensed whey shall be based on the borrower's records, and the milk solids content of dry whey, dry whey product and dry buttermilk shall be calculated as 92 percent of the number of pounds of such products as shown by the borrower's records, and such other evidence as CCC may require. The quantities of milk solids in condensed whey and the quality of such condensed whey on which loans are made shall be evidenced by certificates issued by the Agricultural Marketing Service of the U. S. Department of Agriculture and dated not more than 30 days prior to the date of application for loan, based on analysis of samples taken by AMS, and such other evidence as CCC may require. The quantities of milk solids in dry whey, dry whey product and dry buttermilk on which loans are made shall be calculated as 92 percent of the numbers of pounds of such products as evidenced by certificates issued by AMS and dated not more than 30 days prior to the date of application for loan, based on analysis of samples taken by AMS, and the quality of such dry whey, dry whey product and dry buttermilk shall be evidenced by such certificates. All inspection charges shall be paid by the borrower.

§ 430.158 *Quantity eligible for loan.* Loans to each borrower on eligible commodities shall be limited to quantities

of not less than the minimum carload weights published in freight tariffs applicable in the territory of origin and such loans shall be further limited to quantities as set forth in this subpart.

(a) *Eligible whey products (dry whey, dry whey product and condensed whey)* Loans to each borrower on eligible whey products shall be limited to that quantity of milk solids contained in dry whey, dry whey product and condensed whey owned by the borrower on the last day of any month after the date of this bulletin but not later than August 31, 1954, which is in excess of his base inventory of whey products as defined in § 430.157.

(b) *Eligible dry buttermilk.* Loans to each borrower on eligible dry buttermilk shall be limited to that quantity of milk solids contained in dry buttermilk owned by the borrower on the last day of any month after the date of this bulletin but not later than August 31, 1954, which is in excess of his base inventory of dry buttermilk as defined in § 430.157.

§ 430.159 *Loan rates.* Loans will be made at the following rates per pound of milk solids (calculated as prescribed in this bulletin) contained in such eligible commodities:

Commodity:	Loan rate per pound of milk solids (cents)
Dry whey.....	6
Dry whey product.....	6.75
Condensed whey in commercial packages.....	6
Condensed whey in tanks.....	4
Dry buttermilk.....	8.5

§ 430.160 *Interest rate.* Loans shall bear interest at 3½ percent per annum from the date of disbursement of the loan, except that where there is a default in satisfaction of the loan, the amount of the deficiency shall bear interest at the rate of 6 percent per annum from the date of default.

§ 430.161 *Disbursement of loans.* Disbursement of loans will be made to borrowers by the CSS Commodity Office, 1010 Broadway, Cincinnati 2, Ohio, by means of checks drawn on CCC.

§ 430.162 *Approved storage.* Loans will be made only on eligible commodities in storage approved by CCC.

§ 430.163 *Storage in transit.* (a) Reimbursement will be made by CCC to borrowers or warehousemen for paid-in rail freight (including freight tax) on eligible commodities stored in approved warehouses, which are not redeemed by borrower, subject to the following conditions:

(1) The movement from point of origin to storage point must be an "in-line" movement as determined by CCC, and must be no greater than 100 miles from the point of production unless otherwise approved by CCC.

(2) The freight must have been paid in by the person claiming reimbursement and he must not have been otherwise reimbursed.

(3) The warehouseman must furnish the descriptive data appearing on all freight bills or transit tonnage slips on all eligible commodities received into the storage facility at the time and in the manner set forth in his storage

agreement with CCC covering the eligible commodity.

(4) The freight bills or transit tonnage slips must be made available to CCC in accordance with his storage agreement with CCC covering the eligible commodity.

(5) Not more than one transit stop must have been used on the billing.

(6) The freight bills must be otherwise acceptable to CCC under the terms of the storage agreement.

(b) Reimbursement for paid-in freight under this section will be made by the Cincinnati CSS Commodity Office subsequent to sale of the pledged commodities by CCC.

§ 430.164 *Storage charges.* CCC will assume accrued storage charges on eligible commodities not redeemed by the borrower, from date of disbursement of the loan funds.

§ 430.165 *Warehouse receipts—(a) Storage facility not owned by or under control of the borrower.* Warehouse receipts representing eligible commodities to be placed under loan, which are stored in a facility not owned by or under the control of the borrower must be issued in the name of the borrower, must be properly endorsed in blank so as to vest title in the holder, and must be issued by a warehouse approved by CCC. The receipts must be negotiable and must cover eligible commodities actually in store in the warehouse. Each receipt must show the exact description of the commodity and container, the gross and net weight of the commodity, the number of bags or containers in the lot, the lot number or tank identification, the inspection certificate number, and such other information as CCC may require.

(b) *Storage facility owned by or under control of the borrower.* Warehouse receipts representing eligible commodities to be placed under loan, which are stored in a facility owned by or under control of the borrower, must meet all of the requirements set forth in paragraph (a) of this section for warehouse receipts issued by a storage facility not owned by or under the control of the borrower except that the receipts must be issued by, or otherwise guaranteed by a third party who is acceptable to CCC and who has effective physical custody of the commodities.

(c) *Quantity of packaged commodity per warehouse receipt.* Each warehouse receipt covering dry whey, dry whey product, packaged condensed whey, and dry buttermilk to be eligible for loan must represent a single carlot of not less than the minimum carload weight published in freight tariffs applicable in the territory of origin.

§ 430.166 *Liens.* If there are any liens or encumbrances on eligible commodities to be placed under loan, waivers acceptable to CCC must be obtained.

§ 430.167 *Set-offs.* If borrower is indebted to CCC on any accrued obligation, he must designate CCC as the payee of the proceeds of the loan to the extent of such indebtedness but not to exceed that portion of the proceeds remaining after deduction of amounts due

prior lien holders. If the borrower is indebted to any other agency of the United States, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC as provided in this section shall be given the first consideration after claims of prior lien holders. Compliance with the provisions of this section shall not constitute a waiver of any right of the borrower to contest the justness of the indebtedness involved either by administrative appeal or legal action.

§ 430.168 *Transfer of borrower's interest.* The borrower shall not transfer either his remaining interest in or his right to redeem commodity mortgaged as security for CCC loan. A borrower who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the Cincinnati CSS Commodity Office to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan.

§ 430.169 *Insurance.* The borrower must insure all condensed whey stored in tanks and placed under loan which is stored commingled with other condensed whey not under CCC loan. CCC will not require the borrower to insure commodities placed under loan which are stored on a lot identity preserved basis and are not commingled with commodities not under CCC loan; however, if the borrower insures such commodities and indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the borrower's equity in the commodity involved in the loss.

§ 430.170 *Loss or damage to eligible commodities placed under loan.* The borrower is responsible for any loss in quantity or quality of the commodities placed under identity-preserved warehouse loan except that, subject to the insurance provisions of this bulletin, physical loss or damage occurring after disbursement of the loan funds to the borrower, without fault, negligence, or conversion on the part of the borrower, warehouseman, or any other person having control of the storage structure and resulting solely from an external cause, will be assumed by CCC to the extent of the settlement value, provided the borrower or warehouseman has given the Cincinnati CSS Commodity Office immediate notice of such loss or damage and provided there has been no fraudulent representation made by the borrower in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the borrower will be assumed by CCC. Where disbursement of funds is made by check, the date of the check shall constitute the date of disbursement of the funds.

§ 430.171 *Personal liability of the borrower for the commodity placed under loan.* The making of any fraudulent representation by the borrower in the loan documents or in obtaining the loan or in the conversion or unlawful disposition of any portion of the commodity

by him may render the borrower subject to criminal prosecution under Federal law and personally liable for the amount of the loan (including interest) and for any resulting expenses incurred by any holder of the note.

§ 430.172 *Maturity of loans.* The borrower may elect the last day of any month from August 31, 1954, to March 31, 1955, inclusive, as the maturity date of a loan and he may elect to change the maturity date during such period. In any event, loans shall be payable upon demand by CCC at any time.

§ 430.173 *Payment of loans.* The borrower may, at any time pay any part of the loan plus interest but not less than the loan or part of a loan that is secured by a single warehouse receipt. All charges in connection with collection of the note shall be paid by the borrower.

§ 430.174 *Satisfaction of loan.* (a) By applying for a loan on condensed whey in tanks, the borrower will thereby agree that if he does not repay the loan, he will deliver to CCC, at or before maturity date, warehouse receipts representing dry whey or dry whey product meeting the specifications in this subpart and containing a quantity of milk solids equal to the quantity of milk solids in the condensed whey pledged as security for the loan, in exchange for the warehouse receipts representing such condensed whey. Upon such exchange of warehouse receipts, CCC will pay to the borrower 2 cents per pound of milk solids in such dry whey or dry whey product (calculated on the basis of 92 percent of the number of pounds of the dry whey or dry whey product).

(b) If a borrower does not repay his loan on any eligible commodity at or before maturity, and, in the case of condensed whey in tanks, if a borrower does not substitute warehouse receipts representing dry whey or dry whey product in lieu of condensed whey as provided in this subpart, CCC shall have the right to sell the commodity at public or private sale and CCC may become the buyer at such sale. CCC may remove the commodity from storage, and may process and package it prior to such sale.

(c) If CCC exercises its right to sell condensed whey stored in tanks, the borrower shall be liable to CCC for all costs incidental thereto, including but not limited to removal of the commodity from tanks, transportation, processing into dry whey, and packaging.

(d) Any sums due the borrower as a result of the sale of commodities as provided in this subpart, and insurance proceeds thereon, excluding the expenses of sale plus the amount due to CCC under the note, shall be payable only to the borrower without right of assignment by him. Upon sale of eligible commodity pledged under loan in satisfaction of the loan as provided in this subpart, and payment by the borrower to CCC of all charges, if any, in connection with the processing and sale of condensed whey, CCC will deliver to the borrower the original note marked "paid" by CCC in full and complete settlement of its loan.

(e) In the case of loans on commodities stored in approved warehouses on an

identity-preserved basis, settlement will be made, subject to the provisions of the note and loan agreement, according to the quality and quantity of the commodity as evidenced by inspection certificates dated not later than 45 days after maturity date, inspection charges to be paid by CCC. Settlement value for commodity which does not meet the eligibility requirements with respect to quality shall be determined at the loan rate for the quality placed under loan, less the difference, if any, at the time of maturity, between the market value of the quality placed under loan and the market value of the commodity delivered as determined by CCC.

§ 430.175 Audit of records. The borrower shall keep complete and accurate records and accounts showing all details incident to acquisition and disposition of inventories of all types of milk solids products for which loans are made available in this bulletin. The borrower shall retain such records for three years after March 31, 1955, or for two years after the date of an audit of such records by CCC as provided in this subpart, whichever is later. Authorized representatives of CCC shall be given access to the plant and records of the borrower at any reasonable time to inspect, examine, audit, and make copies of the borrower's books, records, accounts and other written data for the purpose of determining compliance with the terms of this bulletin.

Issued this 25th day of May 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-4286; Filed, June 3, 1954;
8:51 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, § 6.102 (b) is amended by the addition of the positions listed below.

§ 6.102 Department of State. * * *
(b) Office of the Secretary. * * *

(6) Chief, Policy Reports Staff, Executive Secretariat.

(7) Four Assistants to the Director of the Executive Secretariat.

(8) Executive Officer, Executive Secretariat.

(9) Chief, Correspondence Review Staff, Executive Secretariat.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-4281; Filed, June 3, 1954;
8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, subparagraphs (6) and (7) are added to § 6.112 (k) as set out below.

§ 6.112 Department of Commerce. * * *

(k) Maritime Administration. * * *

(6) The position of Commandant, U. S. Maritime Service and Superintendent, U. S. Merchant Marine Academy.

(7) One Maritime Training Liaison Officer.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-4230; Filed, June 3, 1954;
8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN GREEN BEANS AND FROZEN WAX BEANS¹

On January 19, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 330) regarding proposed United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953)

PRODUCT DESCRIPTION, STYLES, GRADES, AND TYPES

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¹ The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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52.2330 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2331 Score sheet for frozen green beans and frozen wax beans.

AUTHORITY: §§ 52.2321 to 52.2331 issued under sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong.; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, GRADES, AND TYPES

§ 52.2321 Product description. "Frozen green beans" and "frozen wax beans," hereinafter called "frozen beans," means the frozen product prepared from the clean, sound, succulent pods of the bean plant by stemming, washing, blanching, sorting, and properly draining and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.2322 Styles of frozen beans. (a) "Whole" means frozen beans consisting of whole pods, including whole pods which are less than 2¾ inches in length, or transversely cut pods not less than 2¾ inches in length.

(b) "Sliced lengthwise," "French Style," "Julienne," or "Shoestring" means frozen beans consisting of pods that are sliced lengthwise.

(c) "Cut" means frozen beans consisting of pods that are cut transversely into pieces less than 2¾ inches, but not less than ½ inch in length, and may contain shorter end pieces which result from cutting.

(d) "Short Cut" means frozen beans consisting of pods that are cut transversely into pieces of which 75 percent, by count, or more are less than ½ inch in length and not more than 1 percent, by count, are more than 1¼ inches in length.

(e) "Mixed" means a mixture of two or more of the following forms of frozen beans: "Whole," "Cut," or "Short Cut."

§ 52.2323 Grades of frozen beans. (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen beans that possess similar varietal characteristics; that possess a good flavor; that possess a good color; that are practically free from defects; that possess a good character; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided*, That the frozen beans may be reasonably free from all defects with the exception of blemished and seriously blemished beans and may possess a reasonably good character with respect to sliced lengthwise style, if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen beans that possess similar varietal characteristics; that possess a reasonably good flavor; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably good character; and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of frozen beans that possess similar varietal characteristics; that possess a fairly good flavor; that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of frozen beans that fail to meet the requirements of U. S. Grade C or U. S. Standard.

§ 52.2324 *Types of frozen beans.* (a) The type of frozen beans is not incorporated in the grades of the finished product, since type of frozen beans is not a factor of quality for the purpose of these grades. The type of frozen beans is described as round type or flat type.

(b) "Round type" means frozen beans consisting of round type beans having a width not greater than $1\frac{1}{2}$ times the thickness of the beans.

(c) "Flat type" means frozen beans consisting of flat type beans having a width greater than $1\frac{1}{2}$ times the thickness of the bean.

FACTORS OF QUALITY

§ 52.2325 *Ascertaining the grade.* (a) The grade of frozen beans is ascertained by considering the requirements with respect to varietal characteristics and flavor, which are not scored, and the factors of color, defects, and character, which are scored.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Color	20
Defects	40
Character	40
Total score.....	100

(c) The scores for the factors of color and defects are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The evaluation of the factors of character and flavor is ascertained immediately after cooking a representative sample.

(d) "Good flavor" means that the product, after cooking, has a good, characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor" means that the product, after cooking, may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.2326 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points)

§ 52.2327 *Color*—(a) (A) *classification.* Frozen beans that possess a good

color may be given a score of 18 to 20 points. "Good color" means that the frozen beans possess a color that is bright and typical of young and tender beans of similar varietal characteristics, and that the product is practically free from units that materially detract from the appearance of the frozen beans.

(b) (B) *classification.* If the frozen beans possess a reasonably good color, a score of 16 or 17 points may be given. Frozen beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule) "Reasonably good color" means that the frozen beans possess a color that is reasonably bright and typical of reasonably young and reasonably tender beans of similar varietal characteristics, and that the product is reasonably free from units that materially detract from the appearance of the frozen beans.

(c) (C) *classification.* Frozen beans that possess a fairly good color may be given a score of 14 or 15 points. Frozen beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly good color" means that the frozen beans possess a color that is typical of nearly mature and fairly tender beans of similar varietal characteristics; may be dull but not off color; and may be variable in color but not to the extent that the appearance of the product is seriously affected.

(d) (SStd.) *classification.* Frozen beans that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

§ 52.2328 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from extraneous vegetable material, loose seed and pieces of seed, unstemmed units, detached stems, small pieces, damaged units, or units that are blemished or seriously blemished.

(1) "Blemished" means any unit which is blemished by discoloration or blemished by other means to the extent that the appearance or eating quality of the product is materially affected.

(2) "Seriously blemished" means any unit blemished to such an extent that the appearance or eating quality of the product is seriously affected.

(3) "Extraneous vegetable material" means leaves or pieces of leaves and other similar vegetable matter.

(4) "Small piece" with respect to cut and mixed styles means a piece of pod less than $\frac{1}{2}$ inch in length and with respect to sliced lengthwise style means a piece of pod less than $1\frac{1}{2}$ inches in length.

(5) "Damaged unit" means any unit that is broken or split into two parts or that has very ragged edges, or is damaged by other mechanical means to such an extent that the appearance or eating quality of the unit is seriously affected.

(b) (A) *classification.* Frozen beans that are practically free from defects may be given a score of 36 to 40 points.

"Practically free from defects" means that:

(1) With respect to the various styles of frozen beans:

(i) *Whole.* For each 10 ounces, net weight, there may be present not more than:

(a) 5 blemished units: *Provided*, That not more than 1 unit may be seriously blemished;

(b) 2 unstemmed units or 2 detached stems or any combination of not more than 2 unstemmed units and detached stems; and

(c) 2 damaged units.

(ii) *Cut and mixed.* (a) There may be present not more than 3 percent, by count, of blemished units: *Provided*, That not more than 1 percent, by count, of all the units may be seriously blemished; and

(b) For each 10 ounces, net weight, there may be present not more than:

(1) 2 unstemmed units or 2 detached stems or any combination of not more than 2 unstemmed units and detached stems; and

(2) 20 small pieces or 20 damaged units or any combination of not more than 20 small pieces and damaged units,

(iii) *Short cuts.* (a) There may be present not more than 3 percent, by count, of blemished units: *Provided*, That not more than 1 percent, by count, of all the units may be seriously blemished; and

(b) For each 10 ounces, net weight, there may be present not more than:

(1) 2 unstemmed units or 2 detached stems or any combination of not more than 2 unstemmed units and detached stems; and

(2) 20 damaged units.

(iv) *Sliced lengthwise.* The pods are well sliced and for each 10 ounces, net weight, there may be present not more than:

(a) 5 blemished units: *Provided*, That not more than 1 unit may be seriously blemished; and

(b) 2 unstemmed units or 2 detached stems or any combination of not more than 2 unstemmed units and detached stems.

(2) With respect to the various styles of frozen beans, extraneous vegetable material, loose seed and pieces of seed (including small pieces in sliced lengthwise style) and the aforesaid defects for the respective style do not more than slightly affect the appearance or eating quality of the product.

(c) (B) *classification.* If the frozen beans are reasonably free from defects, a score of 32 to 35 points may be given. Frozen beans that fall into this classification on account of the presence of blemished or seriously blemished beans shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a partial limiting rule) "Reasonably free from defects" means that:

(1) With respect to the various styles of frozen beans:

(i) *Whole.* For each 10 ounces, net weight, there may be present not more than:

(a) 8 blemished units: *Provided*, That not more than 2 units may be seriously blemished;

(b) 4 unstemmed units or 4 detached stems or any combination of not more than 4 unstemmed units and detached stems; and

(c) 4 damaged units.

(ii) *Cut and mixed.* (a) There may be present not more than 5 percent, by count, of blemished units: *Provided*, That not more than 2 percent, by count, of all the units may be seriously blemished; and

(b) For each 10 ounces, net weight, there may be present not more than:

(1) 4 unstemmed units or 4 detached stems or any combination of not more than 4 unstemmed units and detached stems; and

(2) 40 small pieces or 40 damaged units or any combination of not more than 40 small pieces and damaged units.

(iii) *Short cuts.* (a) There may be present not more than 5 percent, by count, of blemished units: *Provided*, That not more than 2 percent, by count, of all the units may be seriously blemished; and

(b) For each 10 ounces, net weight, of units there may be present not more than:

(1) 4 unstemmed units or 4 detached stems or any combination of not more than 4 unstemmed units and detached stems; and

(2) 40 damaged units.

(iv) *Sliced lengthwise.* The pods are reasonably well sliced and for each 10 ounces, net weight, of units there may be present not more than:

(a) 8 blemished units: *Provided*, That not more than 2 units may be seriously blemished; and

(b) 4 unstemmed units or 4 detached stems or any combination of not more than 4 unstemmed units and detached stems.

(2) With respect to the various styles of frozen beans, extraneous vegetable material, loose seed and pieces of seed (including small pieces in sliced lengthwise style), and the aforesaid defects for the respective style, individually or collectively, do not materially affect the appearance or eating quality of the product.

(d) (C) *classification.* Frozen beans that are fairly free from defects may be given a score of 28 to 31 points. Frozen beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly free from defects" means that:

(1) With respect to the various styles of frozen beans:

(i) *Whole.* For each 10 ounces, net weight, there may be present not more than:

(a) 12 blemished units: *Provided*, That not more than 4 units may be seriously blemished;

(b) 5 unstemmed units or 5 detached stems or any combination of not more than 5 unstemmed units and detached stems; and

(c) 6 damaged units.

(ii) *Cut and mixed.* (a) There may be present not more than 8 percent, by count, of blemished units: *Provided*, That not more than 3 percent, by count,

of all the units may be seriously blemished; and

(b) For each 10 ounces, net weight, there may be present not more than:

(1) 5 unstemmed units or 5 detached stems or any combination of not more than 5 unstemmed units and detached stems; and

(2) 60 small pieces or 60 damaged units or any combination of not more than 60 small pieces and damaged units.

(iii) *Short cuts.* (a) There may be present not more than 8 percent, by count, of blemished units: *Provided*, That not more than 3 percent, by count, of all the units may be seriously blemished; and

(b) For each 10 ounces, net weight, there may be present not more than:

(1) 5 unstemmed units or 5 detached stems or any combination of not more than 5 unstemmed units and detached stems; and

(2) 60 damaged units.

(iv) *Sliced lengthwise.* The pods are fairly well sliced and for each 10 ounces, net weight, there may be present not more than:

(a) 12 blemished units: *Provided*, That not more than 4 units may be seriously blemished; and

(b) 5 unstemmed units or 5 detached stems or any combination of not more than 5 unstemmed units and detached stems.

(2) Extraneous vegetable material, loose seed and pieces of seed (including small pieces in sliced lengthwise style), and the aforesaid defects for the respective style, individually or collectively, do not seriously affect the appearance or eating quality of the product.

(e) (SStd.) *classification.* Frozen beans that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

§ 52.2329 *Character*—(a) *General.* The factor of character refers to maturity as reflected in the development of the seed and the fleshiness of the pods, to the tenderness of the pods, the appearance of the pods with respect to sloughing, and the freedom from tough strings. "Tough strings" as used in this paragraph means strings or pieces of string at least $\frac{1}{2}$ inch in length removed from the cooked frozen bean which will support a $\frac{1}{2}$ pound weight for not less than 5 seconds.

(b) (A) *classification.* Frozen beans that possess a good character may be given a score of 36 to 40 points. "Good character" means that the seeds are in the early stage of development, the units are tender, not fibrous, are full fleshed, are not more than slightly affected by sloughing, and that:

(1) With respect to whole, cut, short cut, and mixed styles, not more than 2 percent, by count, of all the units may possess tough strings, and that

(2) With respect to sliced lengthwise style, not more than 4 units in 10 ounces, net weight, may possess tough strings.

(c) (B) *classification.* If the frozen beans possess a reasonably good character, a score of 32 to 35 points may

be given. All frozen beans, except sliced lengthwise style, that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a partial limiting rule) "Reasonably good character" means that the seeds may have passed the early stage of maturity and have not reached the late stage of maturity, the units are not materially affected by sloughing, are reasonably tender, the pods may have lost to some extent their fleshy structure, and that:

(1) With respect to whole, cut, short cut, and mixed styles, not more than 4 percent, by count, of all the units may possess tough strings, and that

(2) With respect to sliced lengthwise style, not more than 6 units in 10 ounces, net weight, may possess tough strings.

(d) (C) *classification.* If the frozen beans possess a fairly good character, a score of 28 to 31 points may be given. Frozen beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly good character" means that the seeds may be in the late stage of development, the units are fairly tender, reasonably free from fiber, have not entirely lost their fleshy structure, are not seriously affected by sloughing, and that:

(1) With respect to whole, cut, short cut, and mixed styles, not more than 6 percent, by count, of all the units may possess tough strings, and that

(2) With respect to sliced lengthwise style, not more than 8 units in 10 ounces, net weight, may possess tough strings.

(e) (SStd.) *classification.* Frozen beans that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.2330 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen beans and meet all applicable standards of quality promulgated by the Federal Food and Drug Act and in effect at the time of the aforesaid certification, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to the containers comprising the sample:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of such total scores.

SCORE SHEET

§ 52.2331 *Score sheet for frozen green beans and frozen wax beans.*

Size and kind of container.....		
Container marks or identification.....		
Label.....		
Net weight (ounces).....		
Type (round or flat).....		
Color (green or wax).....		
Style.....		
Factors	Score Points	
Color.....	20	(A) 18-20
		(B) 16-17
		(C) 14-15
		(SStd.) 10-13
		(A) 36-40
Defects.....	40	(B) 32-35
		(C) 28-31
		(SStd.) 10-27
		(A) 36-40
		(B) 32-35
Character.....	40	(C) 28-31
		(SStd.) 10-27
		(A) 36-40
		(B) 32-35
		(C) 28-31
Total score.....	100	
Grade.....		
Flavor and odor.....		

* Indicates limiting rule.

* Indicates partial limiting rule.

The United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans (which is the fourth issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans which have been in effect since April 15, 1944.

Dated: May 28, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator
Marketing Services.

[F. R. Doc. 54-4285; Filed, June 3, 1954;
8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Peach Order 1]

PART 962—FRESH PEACHES GROWN IN GEORGIA

SUSPENSION OF INSPECTION REQUIREMENT

§ 962.310 *Peach Order 1—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962; 18 F. R. 3013; 19 F. R. 2127) regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this order will tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice,

engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237-5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient and this section relieves restrictions on the handling of fresh peaches grown in the State of Georgia.

(b) *Order.* During the period beginning at 12:01 a. m., e. s. t., June 2, 1954, and ending at 12:01 a. m., e. s. t., March 1, 1955.

(1) The inspection requirement contained in § 962.64 is hereby suspended with respect to peaches in bulk shipped to destinations in the adjacent markets.

(2) When used in this section, the terms "adjacent markets," "shipped," and "peaches in bulk," shall have the same meaning as when used in the aforesaid amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 1, 1954.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 54-4301; Filed, June 2, 1954;
1:46 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 29]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120) and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117) § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (19 F. R. 1367, 1597, 1947, 2226, 2247, 2516, 2693, 2981) which contains a notice of the areas in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines such areas because of said disease: is hereby further amended in the following respects:

1. Subparagraphs (7) (8) (10), and (17) of paragraph (b) relating to California, are amended to read:

(7) Sec. 31, T. 7 N., R. 1 E., HU. B. & M., Sec. 24, T. 4 S., R. 3 E., HU. B. & M., Secs. 7 and 17, T. 2 N., R. 1 E., HU. B. & M., Sec. 19, T. 4 S., R. 4 E., HU. B. & M., Sec. 30, T. 8 N.,

R. 1 E., HU. B. & M., Secs. 8, 16, and 31, T. 6 N., R. 1 E., HU. B. & M., and Sec. 10, T. 4 N., R. 1 W., HU. B. & M., in Humboldt County.

(8) Secs. 26 and 27, T. 14 N., R. 10 W., M. D. B. & M., and Secs. 3, 10, and 15, T. 10 N., R. 7 W., M. D. B. & M., in Lake County.

(10) Sec. 19, T. 18 N., R. 17 W., M. D. B. & M., Secs. 4 and 27, T. 15 N., R. 13 W., M. D. B. & M., Secs. 3, 4, 20, and 29, T. 18 N., R. 13 W., M. D. B. & M., and Sec. 22, T. 10 N., R. 13 W., M. D. B. & M., in Mendocino County.

(17) That area included within a boundary beginning 10 miles south of Red Bluff on U. S. Highway 99W, extending 140 feet south on U. S. Highway 99W, thence 100 feet east, thence 40 feet north, thence northwest to the point 10 miles south of Red Bluff on U. S. Highway 99W, in Tehama County.

2. Subdivisions (i) (ix) (xii), (xiii), (xiv) and (xvii) of subparagraph (2) of paragraph (e), relating to Bristol County in Massachusetts, are amended to read:

(i) That part of the Town of Acushnet lying north of Wing and Hathway Roads, south of Perry Hill Road, east of Main Street, and West of Mandell Road; that part of the Town of Acushnet lying north and west of Main Street, south of Hamblin Street, and east of Middle Road; and that part of the Town of Acushnet lying northeast of Nyses Lane, south of Peckham Road, and west of Middle Road.

(ix) That part of the Town of Rehoboth lying west of Reed Street, south of Providence Street, and north and east of Peckham Street; that part of the Town of Rehoboth lying north of Old Fall River Avenue, west of Barney Avenue, east of Whenton Avenue, and south of Allen Avenue; that part of the Town of Rehoboth lying north of Brook and Water Streets, south of Winter Street, east of Reed and Lake Streets, and west of School Street; that part of the Town of Rehoboth lying north of Providence Street, south of Brook Street, east of Peckham Street, and west of Wood Street; that part of the Town of Rehoboth lying north of River Street, south of Homestead Street, west of Danforth and Rocky Hill Roads, and east of Hillside Avenue and Pine Street; and that part of the Town of Rehoboth lying north of Summer Street, south of Bay State Road, west of State Route No. 118 and Chestnut Street, and east of Locust Street.

(xii) That part of the City of Swansea lying north of Marvel Road, south of Main Street, west of Sharp Lot Road, and east of Miller's Lane; that part of the Town of Swansea lying north of Halle's Hill Road, south of Stevens Road, west of Sharp Lot Road, and east of Box Street; that part of the Town of Swansea lying north of Stevens Road, south of Marvel Road, east of Sharp Lot Road, and west of Bark Street; and that part of the Town of Swansea lying south of Locust Street, north of Wood Street, west of Hornbine Road, and east of State Route No. 118.

(xiii) The Myles Standish State School in the Town of Taunton lying east of State Route No. 140, south and west of Bassett Street, and north of the New York, New Haven, and Hartford Railroad; that part of the City of Taunton lying south of Norton Avenue, west of Crane Avenue, north of the New York, New Haven, and Hartford Railroad, and east of State Route No. 140; that part of the City of Taunton lying south of Thrasher Street, north of Longmeadow and Winter Streets and U. S. Route No. 44, east of School Street, and west of King Phillip Street; that part of the City of Taunton lying south of East Brittain, north of Thrasher Street, east of Washington Street, and west of King Phillip Street; that part of

the City of Taunton lying south of Tremont Street, north of Glebe Street, east of Burt Street, and west of North Walker Street; that part of the City of Taunton lying north of Spring Street, south of Cohannet Street, west of Dighton Avenue, and east of the Three Mile River; that part of the City of Taunton lying north of Orchard Street, south of the Taunton River, west of the New York, New Haven, and Hartford Railroad, and east of Plain Street; that part of the City of Taunton lying north of Seekell Street, south of Caswell Street, west of South Precinct Street, and east of Staples Street; that part of the City of Taunton lying north of Bear Hole Road, south of Middleboro Avenue, and east of South Precinct Street; and that part of the City of Taunton lying south of the New York, New Haven, and Hartford Railroad, north and west of Stevens Street, and north and east of State Route No. 140 and County Street.

(xiv) That part of the Town of Westport lying east of Main Road, north of Kirby Road, west of Drift Road, and south of Old County Road; that part of the Town of Westport lying north of Narrow Avenue, south of State Route No. 177 and Old County Road, east of Crandell Road, and west of Sodom Road; that part of the Town of Westport lying north of Hix Bridge Road, south of Old County Road, east of Drift Road, and west of the Westport River; that part of the Town of Westport lying north of Hix Bridge Road, south of Old County Road, west of Fisher Road and White Oak Run Road, and east of Pine Hill Road; that part of the Town of Westport lying north of Old New Bedford Road, south of Fall River, and east of Blossom Street; that part of the Town of Westport lying north of State Route No. 177, south of Charlotte White Road, west of Sodom Road, and east of Main Road and Old County Road; that part of the Town of Westport lying north of Kirby Road, south of County Road, west of Drift Road, and east of Main Road; and that part of the Town of Westport lying north of Old Bedford Road and east of Blossom Street.

(xvii) That part of the Town of Somerset lying north of Read Street, south of Buffington Street, east of Bark Street, and west of Prospect Street; and that part of the Town of Somerset lying north of Wilbur Avenue, south of U. S. Route No. 6 and Bridge Street, west of Brayton Point Road, and east of Lees River Road.

3. A new subdivision (xxiv) is added to subparagraph (2) of paragraph (e), relating to Bristol County in Massachusetts, to read:

(xxiv) That part of the Town of Dartmouth lying south of Old Fall River Road, north of the New York, New Haven, and Hartford Railroad, and west of Reed Street.

4. Subdivisions (i), (v) (xii) (xv), and (xxi) of subparagraph (3) of paragraph (e) relating to Essex County in Massachusetts, are amended to read:

(i) That part of the Town of Andover lying north of Rattlesnake Hill Road, east of Woburn Street, west of Wood's Road, and south of Ballardville Road; that part of the Town of Andover lying south of High Street, west of Greenwood Road, north of State Route No. 133, and east of Woodhill Road; that part of the Town of Andover lying south of the Lowell Branch of the Boston and Maine Railroad, east of the Shawsheen River, and west of the Western Division of the Portland Branch of the Boston and Maine Railroad; that part of the Town of Andover lying east of Bradford Street, south of Winter Street, west of Foster Street, and north of Salem Street; that part of the Town of Andover lying south and west of Rocky Hill Road, north of Gould Street, and east of

State Route No. 28; that part of the Town of Andover lying southeast of Bellevue Street and west of Blanchard Street; and that part of the Town of Andover lying south of Wildwood Street, north of Gould Street, east of State Route No. 28, and west of State Route No. 125.

(v) That part of the City of Danvers lying north of State Route No. 62, south of Nicholas Street, and west of U. S. Route No. 1; and that part of the Town of Danvers lying south of State Route No. 62, north of Dayton Street, and west of U. S. Route No. 1.

(xii) That part of the Town of Methuen lying south of Brookdale Avenue, east of Jasper Street, west of State Route No. 110, and north of Steele Street; that part of the Town of Methuen lying south of Renfrew Street, east of Jasper Street, west of State Route No. 110, and north of Baremeadow Brook; that part of the Town of Methuen lying north of State Route No. 113, southeast of Baremeadow Brook, and west of State Route No. 110; that part of the Town of Methuen lying north of Walton Avenue, west of the Merrimac River, south of Pitman Street, and east of State Route No. 110; that part of the Town of Methuen lying east of Howe Street, south of Archibald Street, west of Washington Street, and north of Roosevelt Street; that part of the Town of Methuen lying north and east of Forest Street, south of Pelham Street, and west of State Route No. 113; that part of the Town of Methuen lying east of Washington Street, southwest of Drew Street, and north of State Route No. 113; that part of the Town of Methuen lying north of Pitman Street, south of Gage Ferry Road, west of the Merrimac River, and east of State Route No. 110; that part of the Town of Methuen lying southwest of the Merrimac River, north of River View Boulevard, and east of State Route No. 110; that part of the Town of Methuen lying southwest of Pelham Street and northeast of Myrtle Street; that part of the Town of Methuen lying east of State Route No. 110, south of Dedham Street, west of the Merrimac River, and north of Loring Street; that part of the Town of Methuen lying south of Cornille Road, west of State Route No. 113, and east of Hampshire Street; and that part of the Town of Methuen lying south of Currier Street, north of State Route No. 113, east of Howe Street, and west of Washington Street.

(xv) That part of the City of Peabody lying northeast of Lake Street (rear), northwest of the Boston and Maine Railroad, and southwest of Lake Street; that part of the City of Peabody lying north of Goodale Street, south of the Middleton Town Foundry, west of U. S. Route No. 1, and east of Morris Brooks; that part of the City of Peabody lying east of Farm Avenue, south of Forest Street, and north and west of Goldthwaite Brook; that part of the City of Peabody lying north of Lowell Street and east, west, and south of Goodale Street; that part of the City of Peabody lying north of Winona Street, south of Lowell Street, and west of Lake Street; that part of the City of Peabody lying south of Forest Street, north of State Route No. 128, east of U. S. Route No. 1, and west of Farm Avenue; that part of the City of Peabody lying south of Lynnfield Street, west of Lynn Street, north of Glenway Street, and east of the junction of Lynnfield and Glenway Streets; that part of the City of Peabody lying northeast of Russell Street and southwest of the Boston and Maine Railroad; that part of the Town of Peabody lying south of State Route No. 114, north of the Lowell Branch of the Boston and Maine Railroad, east of Prospect Street, and west of State Route No. 128; that part of the Town of Peabody lying east of U. S. Route No. 1, south of Forest Street, north of Locust Street, northwest of State

Route No. 128, and west of Farm Avenue; that part of the Town of Peabody lying north of Lynn Street, south of Lynnfield Street, and east of the junction of Lynnfield and Lynn Streets; that part of the Town of Peabody located on Farm Avenue, known as West Lot in Follet's Wood, consisting of about 5 acres, owned and occupied by John Contoni, whose address is 45 Farm Avenue; that part of the Town of Peabody located on Rockfarm Avenue, lying approximately 650 feet east of the junction of State Route No. 128 and Rockfarm Avenue, consisting of about 5 acres, owned and occupied by John Pals; that part of the Town of Peabody lying north of Lowell Street, south of the Lowell Branch of the Boston and Maine Railroad, and west of Birch Street; that part of the Town of Peabody located on Lynnfield Street, consisting of about 23 acres, owned and occupied by Sancho Domingos, whose address is 285 Lynnfield Street; that part of the Town of Peabody located on Farm Avenue consisting of about 4½ acres, owned and occupied by Nicholas Papanicholas, whose address is 7 Farm Avenue; that part of the Town of Peabody included within a boundary beginning at a point approximately 2 miles north of the intersection of U. S. Route No. 1 and State Route No. 128, extending northerly along Farm Avenue for a distance of approximately 875 feet, thence easterly 360 feet, thence southerly approximately 875 feet, and thence westerly 360 feet to point of beginning, consisting of about 6 acres, owned by B. Kozak and leased by Joseph Peterson and Thomas Peculonis; that part of the Town of Peabody included within a boundary beginning at a point on Circumferential Highway approximately two miles north of U. S. Route No. 1, thence southerly for a distance of approximately 640 feet, thence westerly 530 feet, thence northwesterly for approximately 296 feet, thence easterly along Circumferential Highway to point of beginning, consisting of about 7 acres, owned by Harry Chigas and leased by Harry London; and that part of the City of Peabody included within a boundary beginning at a point on State Route No. 128 (Yankee Division Highway) 1½ miles east of the junction of U. S. Route No. 1 and State Route No. 128, thence easterly 842 feet, thence southerly 430 feet, thence westerly 440 feet, thence northwesterly 330 feet, and thence northerly 422 feet to point of beginning, consisting of about 13 acres, owned and occupied by Frank Santos.

(xxi) The Town of Boxford.

5. Subdivisions (iii) and (vi) of subparagraph (4) of paragraph (e) relating to Hampden County in Massachusetts, are amended to read:

(iii) That part of the City of Springfield lying north of U. S. Route No. 20, south of Piper Cross and Morgan Roads, west of Westfield Road, and east of U. S. Route No. 5; that part of the City of Springfield lying south of Prospect Avenue, west of Quarry Road, and east of Riverdale Road; that part of the City of Springfield lying north of Parker Street, south and east of State Street and Boston Road, and west of Wilbraham Road; and that part of the City of Springfield lying north of Cooley Road, south of State Street, east of Allen Street, and west of Wilbraham Road and Parker Street.

(vi) That part of the Town of Agawam lying north of State Route No. 57, southwest of Westfield Road, and southeast of North-west Road; that part of the Town of Agawam lying north of School Street, south of Meadow Street, east of Main Street, and west of River Road; that part of the Town of Agawam lying north of Suffield Road, south of Silver Lake, east of Edgewater Street, and west of Mill Street; and that part of the Town of Agawam lying north of Suffield

Street, south and west of Springfield Street, and east of Rowley Road.

6. Subdivisions (vii) and (xi) of subparagraph (6) of paragraph (e) relating to Norfolk County in Massachusetts, are amended to read:

(vii) The Town of Holbrook.

(xi) That part of the Town of Randolph lying east of High Street, north of Chestnut Street, west of Overlook Road, and south of Canton Street; that part of the Town of Randolph lying south of Canton Street, north of Braintree Tap, Algonquin Gas Line, and west of Irving Road; that part of the Town of Randolph lying east of State Route No. 28; that part of the Town of Randolph included within a boundary beginning 1500 feet south of the junction of High and Canton Streets on the west side of High Street, extending 1130 feet south on High Street, thence 240 feet west, thence 1130 feet north, and thence 240 feet east of starting point, consisting of about 7 acres, owned by Harry Sargent and leased by David Haynes; and that part of the Town of Randolph included within a boundary beginning at the junction of Canton and High Streets, thence west along Canton Street 300 feet, thence south 500 feet, thence east 300 feet to High Street, thence north on High Street 500 feet to point of beginning.

7. New subdivisions (xxxi), (xxxii) and (xxxiii) are added to subparagraph (8) of paragraph (e) relating to Worcester County in Massachusetts, to read:

(xxxi) That part of the Town of Hopedale lying north of Old Hartford Pike, south of the junction of Mill and Plain Streets, east of Greene Street, and west of Plain Street.

(xxxii) That part of the Town of Oakham lying south and west of North Brookfield Road and State Route No. 122, and east of Crawford Road.

(xxxiii) That part of the Town of Warren lying north and west of Reed Road, south of Crouch Road, and east of South Street.

8. Paragraph (j) relating to St. Clair County in Michigan is deleted.

9. Subparagraph (2) of paragraph (g) relating to the Town of Poughkeepsie in Dutchess County in New York, is deleted.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in California, Massachusetts, Michigan, and New York from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003),

it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 28th day of May 1954.

[SEAL]

B. T. SHAW,
Administrator
Agricultural Research Service.

[F. R. Doc. 54-4271; Filed, June 3, 1954;
8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 78]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.27, the De Blois, Maine, area (D-397) published on December 6, 1951, in 16 F. R. 12307, is amended by changing the "Time of Designation" column to read: "VFR weather conditions only."

2. In § 608.15, the Eads, Colorado, area (D-392) published on November 15, 1951, in 16 F. R. 11568, is rescinded.

3. In § 608.15, the Kendrick, Colorado, area (D-393) published on November 15, 1951, in 16 F. R. 11568, is rescinded.

4. In § 608.15, the Karval, Colorado, area (D-394) published on November 15, 1951, in 16 F. R. 11568, is rescinded.

5. In § 608.15, the Galatea, Colorado, area (D-395) published on November 15, 1951, in 16 F. R. 11568, is rescinded.

6. In § 608.14, the Hunter Liggett, California, area (D-285) published on January 19, 1951, in 16 F. R. 496, and amended on June 11, 1953, in 18 F. R. 3324, is further amended by changing the "Designated Altitudes" column to read: "Surface to 40,000 feet MSL."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 11, 1954.

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-4257; Filed, June 3, 1954;
8:45 a. m.]

[Amdt. 80]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.24, the Lake City, Kansas, area (D-389) published on November 15, 1951, in 16 F. R. 11568, is rescinded.

2. In § 608.24, the Coldwater, Kansas, area (D-390) published on November 15, 1951, in 16 F. R. 11568, is rescinded.

3. In § 608.24, the Ulysses, Kansas, area (D-391), published on November 15, 1951, in 16 F. R. 11568, is rescinded.

4. In § 608.30, the Betsie Point, Michigan, area (D-77) published on July 27, 1949, in 14 F. R. 4666, is amended by changing the "Using Agency" column to read: "10th Air Force, Selfridge AFB, Michigan."

5. In § 608.57, the Sheboygan, Wisconsin, area (D-83) published on July 16, 1949, in 14 F. R. 4297, is amended by changing the "Using Agency" column to read: "10th Air Force, Selfridge AFB, Michigan."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 4, 1954.

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-4256; Filed, June 3, 1954;
8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53501]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

IMMEDIATE DELIVERY PERMITS

MAY 28, 1954.

T. D. 53398 made certain changes in § 8.59 of the Customs Regulations in order to prevent the abuse of the immediate delivery permit procedure with respect to articles subject to a tariff-rate quota.

Since the issuance of T. D. 53398, the effectiveness thereof has apparently been too stringent. Accordingly, § 8.59 of the Customs Regulations is hereby amended as follows:

1. Paragraph (b) is amended by deleting the last sentence, which was added by T. D. 53398.

2. Paragraph (d) is amended by adding after the first sentence the following

new sentence: "When the transaction involves articles of a kind which is subject to a tariff-rate quota and such articles are released at a time when the pertinent quota is filled, the full rate or rates shall be used in computing the estimated duties and taxes for the purpose of determining the amount of the single-entry bond."

3. Paragraphs (h) and (i) are amended to read as follows:

(h) Except as otherwise prescribed in this part, formal entry shall be made and estimated duties and taxes shall be deposited within 2 days after the day on which the articles are released under a special permit. When the importer or his agent furnishes in writing a satisfactory explanation of his inability to make entry and deposit within 2 days after the day of release, the collector may extend the period for not to exceed 2 additional days. In computing the period within which entry and deposit must be made, including any authorized

extension, the day of release, Saturday, Sunday, and holiday shall be excluded. Notwithstanding the foregoing, the time within which formal entries (including deposit of estimated duties and taxes) shall be filed covering articles of a kind which is subject to a tariff-rate quota which are released under a special permit at a time when the pertinent quota is filled shall expire in any event not later than midnight on the last day before the applicable quota again opens and no extension beyond such midnight shall be granted.

(i) If formal entry is not made, including deposit of estimated duties and taxes, within the time required by paragraph (h) of this section, the collector shall make an immediate demand for liquidated damages in the entire amount of the bond in the case of a single-entry bond. When the transaction has been charged against a term bond, the demand shall be for an amount equal to the value of the articles with respect to which there has been a default, plus the

estimated amount of the duties and taxes thereon. For the purpose of making the demand for liquidated damages in the case of a term bond, duties and taxes on articles of a kind which is subject to a tariff-rate quota and which are released when the quota is filled shall be computed at the full rate or rates. Unless prompt action is taken looking to the settlement of the claim, the collector shall discontinue allowing immediate delivery of articles imported by or for the account of the person in default.

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624. Interprets or applies secs. 448, 623, 40 Stat. 714, 759, as amended; 19 U. S. C. 1448, 1623)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: May 28, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-4277; Filed, June 3, 1954;
8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

GRAPEFRUIT (TEXAS AND STATES OTHER THAN FLORIDA, CALIFORNIA AND ARIZONA)¹

U. S. STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Grapefruit (7 CFR, Part 51; 18 F. R. 7090) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.	
51.620	U. S. Fancy.
51.621	U. S. No. 1.
51.622	U. S. No. 1 Bright.
51.623	U. S. No. 1 Bronze.
51.624	U. S. Combination.
51.625	U. S. No. 2.

¹Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Sec.	
51.626	U. S. No. 2 Russet.
51.627	U. S. No. 3.
UNCLASSIFIED	
51.628	Unclassified.
TOLERANCES	
51.629	Tolerances.
51.630	U. S. Fancy Grade.
51.631	U. S. No. 1 and U. S. No. 1 Bright Grades.
51.632	U. S. No. 1 Bronze Grade.
51.633	U. S. Combination Grade.
51.634	U. S. No. 2 Grade.
51.635	U. S. No. 2 Russet Grade.
51.636	U. S. No. 3 Grade.
APPLICATION OF TOLERANCES	
51.637	Application of tolerances.
STANDARD PACK	
51.638	Standard pack.
DEFINITIONS	
51.639	Similar varietal characteristics.
51.640	Well colored.
51.641	Firm.
51.642	Well formed.
51.643	Smooth texture.
51.644	Injury.
51.645	Discoloration.
51.646	Fairly well colored.
51.647	Fairly well formed.
51.648	Fairly smooth texture.
51.649	Damage.
51.650	Fairly firm.
51.651	Slightly misshapen.
51.652	Slightly rough texture.
51.653	Serious damage.
51.654	Slightly colored.
51.655	Misshapen.
51.656	Slightly spongy.
51.657	Very serious damage.
51.658	Diameter.

GRADES

§ 51.620 U. S. Fancy. "U. S. Fancy" consists of grapefruit of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture; free from ammoniation, bird pecks, bruises, buckskin, cuts which are

not healed, decay, growth cracks, scab, sprayburn, and free from injury caused by green spots or oil spots, pitting, scale, scars, thorn scratches, and free from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface in the aggregate may be affected with discoloration. (See § 51.630.)

§ 51.621 U. S. No. 1. "U. S. No. 1" consists of grapefruit of similar varietal characteristics which are fairly well colored, firm, fairly well formed, mature, and of fairly smooth texture; free from bruises, cuts which are not healed, decay, growth cracks, sprayburn, and free from damage caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprouting, sunburn, thorn scratches, disease, insects, or mechanical or other means.

(a) In this grade not more than one-half of the surface in the aggregate may be affected with discoloration. (See § 51.631.)

§ 51.622 U. S. No. 1 Bright. The requirements for this grade are the same as for U. S. No. 1 except that no fruit may have more than one-tenth of its surface in the aggregate affected with discoloration. (See § 51.631.)

§ 51.623 U. S. No. 1 Bronze. The requirements for this grade are the same as for U. S. No. 1 except that more than 10 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-half of their surface in the aggregate affected with discoloration: *Provided*, That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess

of one-half of their surface affected with discoloration. (See § 51.632.)

§ 51.624 *U. S. Combination Grade.* Any lot of grapefruit may be designated "U. S. Combination" when not less than 40 percent, by count, of the fruits in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. (See § 51.633.)

§ 51.625. *U. S. No. 2. "U. S. No. 2"* consists of grapefruit of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen or slightly rough, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprayburn, sprouting, sunburn, thorn scratches, disease, insects, or mechanical or other means.

(a) Each grapefruit may be only slightly colored.

(b) In this grade not more than two-thirds of the surface, in the aggregate, may be affected with discoloration. (See § 51.634.)

§ 51.626 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of two-thirds of their surface in the aggregate affected with discoloration. (See § 51.635.)

§ 51.627 *U. S. No. 3. "U. S. No. 3"* consists of grapefruit of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and free from decay, and free from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, dryness or mushy condition, pitting, scab, scale, sprayburn, sprouting, sunburn, thorn punctures, disease, insects, or mechanical or other means.

(a) The fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See § 51.636.)

UNCLASSIFIED

§ 51.628 *Unclassified.* "Unclassified" consists of grapefruit which has not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot.

TOLERANCES

§ 51.629 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.630 to 51.636 are provided as specified.

§ 51.630 *U. S. Fancy Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent,

shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.631 *U. S. No. 1 and U. S. No. 1 Bright Grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.632 *U. S. No. 1 Bronze Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-half of their surface in the aggregate affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.633 *U. S. Combination Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may have more than the amount of discoloration specified. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 required in the combination, but individual containers may have not more than a total of 10 percent less than the

percentage of U. S. No. 1 required or specified: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.634 *U. S. No. 2 Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.635 *U. S. No. 2 Russet Grade.* Not more than 10 percent by count, of the fruits in any lot may be below the requirements of this grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of two-thirds of their surface in the aggregate affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.636 *U. S. No. 3 Grade.* Not more than 15 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.637 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more

than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one grapefruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package, and in addition, en route or at destination, not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.638 *Standard pack*. (a) Fruits shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in standard nailed boxes, each container shall show a minimum bulge of 2 inches, except that boxes packed with grapefruit of a size 80 or smaller need only show a bulge of 1½ inches.

(d) "Fairly uniform in size" means that for 1½ bushel boxes not more than a total of 10 percent, by count, of the fruits in any container is outside the range of diameters given in the following table for various packs:

TABLE I
[Diameter in inches]

Pack	Minimum	Maximum
36's	5	5¾
45's or 46's	4½	5¼
54's or 56's	4¾	5½
64's	4¾	5½
70's or 72's	3½	4¾
80's	3½	4¾
90's	3¾	4¾
112's	3¾	4
125's or 126's	3¾	4¾

(e) "Uniform in size" means that for 1½ bushel boxes not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

(1) 64 size and smaller—not more than ⅛ inch in diameter; and,

(2) 54 size and larger—not more than ⅛ inch in diameter.

(f) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.639 *Similar varietal characteristics*. "Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.640 *Well colored*. "Well colored" means that the fruit is yellow in color with practically no trace of green color.

§ 51.641 *Firm*. "Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.642 *Well formed*. "Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.643 *Smooth texture*. "Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.644 *Injury*. "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Green spots or oil spots when appreciably affecting the appearance of the individual fruit;

(b) Scale when more than a few adjacent to the "button" at stem end, or when more than 6 scattered on the other portions of the fruit;

(c) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(d) Thorn scratches when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.645 *Discoloration*. "Discoloration" means russetting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth, superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.646 *Fairly well colored*. "Fairly well colored" means that, except for one inch in the aggregate of green color, the yellow color predominates over the green color on that part of the fruit which is not discolored.

§ 51.647 *Fairly well formed*. "Fairly well formed" means that the fruit may not have the shape characteristic of the variety but is not elongated or pointed or otherwise deformed.

§ 51.648 *Fairly smooth texture*. "Fairly smooth texture" means that the skin is not materially rough or coarse and that the skin is not thick for the variety.

§ 51.649 *Damage*. "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Ammommation when not occurring as light speck type similar to melanose;

(b) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(c) Green spots or oil spots when the aggregate area exceeds the area of a circle 1 inch in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of green spots or oil spots and larger sizes may have greater areas: *Provided*, That the appearance of the grapefruit is not affected to a greater extent than the area permitted on a 70-size grapefruit;

(d) Scab when it cannot be classed as discoloration, or appreciably affects shape or texture;

(e) Scale when the appearance of the fruit is affected to a greater extent than that of a 70-size grapefruit which has a blotch the area of a circle seven-eighths inch in diameter or a ring 1½ inches in diameter;

(f) Scarring which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars when the appearance of the fruit is affected to a greater extent than that of a 70-size grapefruit which has a very deep or very rough scar aggregating the area of a circle one-half inch in diameter;

(2) Scars when the appearance of the fruit is affected to a greater extent than that of a 70-size grapefruit which has a deep or rough scar aggregating 1 inch in diameter;

(3) Scars which are slightly rough or of slight depth and aggregate more than 10 percent of the fruit surface; and,

(4) Scars which are smooth or fairly smooth with no depth and affect the appearance of the grapefruit to a greater extent than the amount of discoloration permitted. (Smooth or fairly smooth scars with no depth shall be scored against the discoloration tolerance).

(g) Sunburn when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard; and,

(h) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

§ 51.650 *Fairly firm*. "Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

§ 51.651 *Slightly misshapen*. "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.652 *Slightly rough texture.* "Slightly rough texture" means that the skin is not smooth or fairly smooth but is not excessively rough or excessively thick, or materially ridged, grooved or wrinkled.

§ 51.653 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Ammoniation when scars are cracked, or when dark and aggregating more than the area of a circle three-fourths inch in diameter, or when light colored and aggregating more than the area of a circle 1½ inches in diameter;

(b) Buckskin when aggregating more than 25 percent of the fruit surface or the fruit texture is seriously affected;

(c) Dryness or mushy condition when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(d) Green spots or oil spots when the aggregate area exceeds the area of a circle 1½ inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of green spots or oil spots, and larger sizes may have greater areas: *Provided*, That the appearance of the grapefruit is not affected to a greater extent than the area permitted on a 70-size grapefruit;

(e) Scab when it cannot be classed as discoloration, or when materially affecting shape or texture;

(f) Scale when the appearance of the fruit is affected to a greater extent than that of a 70-size grapefruit which has a blotch the area of a circle 1½ inches in diameter or a ring 1½ inches in diameter;

(g) Scarring which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type;

(1) Scars when the appearance of the fruit is affected to a greater extent than that of a 70-size grapefruit which has a very deep or very rough scar aggregating the area of a circle 1 inch in diameter;

(2) Scars which are deep or rough and aggregate more than 5 percent of the fruit surface;

(3) Scars which are of slight depth or slightly rough and aggregate more than 15 percent of the fruit surface; and,

(4) Scars which are smooth or fairly smooth with no depth and affect the appearance of the grapefruit to a greater extent than the amount of discoloration permitted. (Smooth or fairly smooth scars with no depth shall be scored against the discoloration tolerance)

(h) Sprayburn which seriously affects the appearance of the fruit or is hard, or when more than 1¼ inches in diameter

in the aggregate has a light brown discoloration;

(i) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration; and,

(j) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified in this paragraph.

§ 51.654 *Slightly colored.* "Slightly colored" means that except for two inches in the aggregate of green color, the portion of the fruit surface which is not discolored shows some yellow color.

§ 51.655 *Misshapen.* "Misshapen" means that the fruit is decidedly elongated, pointed or flat sided.

§ 51.656 *Slightly spongy.* "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.657 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Growth cracks that are seriously weakened, gummy or not healed;

(b) Ammoniation when aggregating more than the area of a circle 2 inches in diameter, or which has caused serious cracks;

(c) Bird pecks when not healed;

(d) Caked melanose when more than 25 percent in the aggregate of the surface of the fruit is caked;

(e) Buckskin when rough and aggregating more than 50 percent of the surface of the fruit;

(f) Dryness or mushy condition when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(g) Scab when aggregating more than 25 percent of the surface of the fruit;

(h) Scale when covering more than 25 percent of the surface of the fruit;

(i) Sprayburn when seriously affecting more than one-third of the fruit surface;

(j) Sunburn when seriously affecting more than one-third of the fruit surface; and,

(k) Thorn punctures when not healed or the fruit is seriously weakened.

§ 51.658 *Diameter.* "Diameter" means the greatest dimension measured

at right angles to a line from stem to blossom end of the fruit.

Dated: May 28, 1954.

[SEAL] Roy W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 54-4282; Filed, June 3, 1954;
8:50 a. m.]

[7 CFR Part 51]

FRESH TURNIPS¹

U. S. CONSUMER STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Consumer Standards for Fresh Turnips pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953)

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

STYLES	
Sec.	
51.2425	Bunched turnips.
51.2426	Bunched turnips with clipped tops.
51.2427	Topped turnips.
GRADES	
51.2428	U. S. Grade A.
51.2429	U. S. Grade B.
OFF-GRADE	
51.2430	Off-Grade.
STANDARD BUNCHING	
51.2431	Standard bunching.
DEFINITIONS	
51.2432	Similar varietal characteristics.
51.2433	Clean.
51.2434	Firm.
51.2435	Smooth.
51.2436	Well formed.
51.2437	Well trimmed.
51.2438	Damage.
51.2439	Fresh.
51.2440	Diameter.
51.2441	Fairly smooth.
51.2442	Fairly well formed.

STYLES

§ 51.2425 *Bunched turnips.* "Bunched turnips" means turnips with full length tops which are tied in bunches.

§ 51.2426 *Bunched turnips with clipped tops.* "Bunched turnips with clipped tops" means turnips with tops clipped

¹Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

back to not less than 6 inches in length which are tied in bunches.

§ 51.2427 *Topped turnips*. "Topped turnips" means turnips with the tops removed to not more than three-fourths inch in length.

GRADES

§ 51.2428 *U. S. Grade A*. "U. S. Grade A" consists of turnips of similar varietal characteristics the roots of which are clean, firm, smooth, well formed, well trimmed and free from soft rot and free from damage caused by cuts, discoloration, freezing, growth cracks, oil spray, pithiness, woodiness, watercore, dry rot, other disease, insects, or mechanical or other means. Bunched turnips or bunched turnips with clipped tops shall have tops which are fresh and free from decay and free from damage caused by freezing, seedstems, yellowing or other discoloration, disease, insects, or mechanical or other means. Turnips on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) Unless otherwise specified, the diameter of each turnip root shall be not less than 1¾ inches nor more than 2¾ inches.

(b) Incident to proper grading and handling, the following tolerances shall be permitted:

(1) *For defects of roots*. 5 percent, by count, for turnip roots in any lot which fail to meet the requirements of the grade, including therein not more than 1 percent for soft rot;

(2) *For defects of tops of bunched turnips*. 5 percent, by count, for bunches in any lot which fail to meet the requirements of the grade, including therein not more than 2 percent for decay.

(3) *For off-length tops*. 5 percent, by count, for bunches in any lot which fail to meet the requirements of the style specified in connection with the lot; and

(4) *For off-size roots*. 5 percent, by count, for turnip roots in any lot which are smaller than the specified minimum diameter, and 10 percent, by count, for turnip roots which are larger than the specified maximum diameter.

§ 51.2429 *U. S. Grade B*. "U. S. Grade B" consists of turnips of similar varietal characteristics the roots of which are clean, firm, fairly smooth, fairly well formed, well trimmed and free from soft rot and free from damage caused by cuts, discoloration, freezing, growth cracks, oil spray, pithiness, woodiness, watercore, dry rot, other disease, insects, or mechanical or other means. Bunched turnips or bunched turnips with clipped tops shall have tops which are fresh and free from decay and free from damage caused by freezing, seedstems, yellowing or other discoloration, disease, insects, or mechanical or other means. Turnips on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) Unless otherwise specified, the diameter of each turnip root shall be not less than 1¾ inches nor more than 2¾ inches.

(b) Incident to proper grading and handling, the following tolerances shall be permitted:

(1) *For defects of roots*. 10 percent, by count, for turnip roots in any lot which fail to meet the requirements of the grade, including therein not more than 1 percent for soft rot;

(2) *For defects of tops of bunched turnips*. 10 percent, by count, for bunches in any lot which fail to meet the requirements of the grade, including therein not more than 5 percent for decay.

(3) *For off-length tops*. 10 percent, by count, for bunches in any lot which fail to meet the requirements of the style specified in connection with the lot; and,

(4) *For off-size roots*. 5 percent, by count, for turnip roots in any lot which are smaller than the specified minimum diameter, and 10 percent, by count, for turnip roots which are larger than the specified maximum diameter.

OFF-GRADE

§ 51.2430 *Off-Grade*. "Off-Grade" consists of turnips which fail to meet the requirements of either of the foregoing grades.

STANDARD BUNCHING

§ 51.2431 *Standard bunching*. (a) Standard bunches of turnips shall be fairly uniform in size, contain at least 3 turnips and weigh not less than one pound.

(b) Incident to proper bunching, not more than 10 percent, by count, of the bunches in any lot may fail to meet the requirements for "Standard Bunching."

DEFINITIONS

§ 51.2432 *Similar varietal characteristics*. "Similar varietal characteristics" means that the turnips in any lot are similar in color and shape; for example, yellow-fleshed varieties shall not be mixed with white-fleshed varieties and flat varieties and long varieties shall not be mixed.

§ 51.2433 *Clean*. "Clean" means that the individual turnip is practically free from dirt or other foreign material.

§ 51.2434 *Firm*. "Firm" means that the turnip is not soft, flabby or shriveled.

§ 51.2435 *Smooth*. "Smooth" means that the root is not rough or ridged to the extent that the appearance is materially affected.

§ 51.2436 *Well formed*. "Well formed" means that the root is not misshapen to the extent that the appearance is materially affected.

§ 51.2437 *Well trimmed*. "Well trimmed" means that unattractive secondary rootlets and any objectionably long or coarse taillike part of the root has been cut off.

§ 51.2438 *Damage*. "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual root, or roots in the lot, or causes a loss of more than 3 percent, by weight, in the ordinary preparation for use, or which materially affects the appearance or shipping

quality of the tops of bunches in the lot. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Cuts when discolored, rough or deep, or when the appearance is materially affected;

(b) Growth cracks which are not shallow and not smooth or which materially affect the appearance of the turnip;

(c) Pithiness when the edible quality is materially affected by pith;

(d) Insects or insect injury when the appearance or edible quality of the root is materially affected, or when the tops are affected to the extent that the appearance of the bunch is materially affected; and,

(e) Yellowing or other discoloration or injury to the tops when the appearance of the bunch is materially affected. The appearance of the bunch with tops having slight discoloration such as yellowing, browning, or other abnormal color affecting a few leaves shall not be considered materially affected if the tops as a whole show a predominantly normal green color.

§ 51.2439 *Fresh*. "Fresh" means that the tops are of normal green color and not badly wilted.

§ 51.2440 *Diameter*. "Diameter" means the greatest dimension of the root measured at right angles to a line running from the crown to the base of the root.

§ 51.2441 *Fairly smooth*. "Fairly smooth" means that the root is not rough or ridged to the extent that the appearance is seriously affected.

§ 51.2442 *Fairly well formed*. "Fairly well formed" means that the root is not misshapen to the extent that the appearance is seriously affected.

Dated: May 28, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator
Marketing Services.

[F. R. Doc. 54-4284; Filed, June 3, 1954;
8:50 a. m.]

[7 CFR Part 973]

[Docket No. AO-178-A4]

HANDLING OF MILK IN THE MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER, AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900) a public hearing was conducted at St. Paul, Minnesota, on October 21 and 22, 1953, pursuant to notice thereof which was issued on October 7, 1953 (18 F. R. 6610).

Upon the basis of the evidence introduced at the hearing and the record

thereof, the Deputy Administrator, Agricultural Marketing Service, on April 12, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on April 15, 1954 (19 F. R. 2186)

The material issues of record related to:

1. Redefining certain terms used in the order and adding certain additional terms;
2. Revising those provisions relating to the classification of milk particularly milk transferred between plants;
3. Relating the class prices more closely to those fixed in the Chicago, Illinois, marketing area;
4. Adding to the class prices the costs of performing the services in the case of milk which is transferred by a cooperative association to another handler in processed and packaged form;
5. Revising the rates of location differentials applicable to both producers and handlers;
6. Levying the administrative assessment on all producer milk instead of only on that which is classified as Class I; and
7. Revising certain other administrative provisions of the order.

Exceptions were filed on behalf of several interested parties. In arriving at the findings, conclusions, and regulatory provisions of this decision, such exceptions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

Findings and conclusions. The findings (including general findings) and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 54-2823, 19 F. R. 2186) are hereby approved and adopted as the findings and conclusions of this decision as if set forth herein subject to the following amendments:

1. The third complete paragraph in column 2, 19 F. R. 2187, should be amended to read as follows:

It was also proposed that definitions of Grade A and Grade B milk be added to the order. When the original order was issued this market was not on a Grade A basis. Recently, however, the city of Minneapolis has adopted the United States Public Health Service Standard Milk Ordinance and only milk that meets this standard is eligible for distribution in Minneapolis. The city of St. Paul also requires that only Grade A milk may be disposed of for fluid consumption. Non Grade A milk may be disposed of for fluid consumption within the marketing area outside the two cities. The Minneapolis ordinance also requires that only Grade A milk be used for fluid cream. Because of the present shortage of Grade A milk, however, this portion of the ordinance has not been enforced, but the health authorities have advised all handlers that as soon as sufficient Grade A milk is available on a year around basis, only Grade A milk

will be permitted in fluid cream. The addition of the term Grade A milk, to the order is necessary in connection with the proposal which is discussed below relating to the allocation to Class I milk under certain circumstances of the Grade A receipts of the handler.

2. The second sentence in the first complete paragraph of column 1, 19 F. R. 2188, should be amended to read as follows:

The major cooperative association in the market follows the practice of furnishing the proprietary handlers in the market with their entire supply of fluid milk and cream.

3. The paragraph beginning at the bottom of column 1, 19 F. R. 2188 should be amended to read as follows:

Grade A milk should be allocated to Class I to the extent of the handler's sales of Class I milk under a Grade A label before any non-Grade A milk is so allocated. The present order provides that all producer milk received in the plant shall be allocated to Class I before any other milk is allocated to Class I. The term producer applies to any dairy farmer whose milk is received at a fluid milk plant regardless of whether the milk is of Grade A quality. Certain handlers, particularly cooperative associations, regularly purchase Grade A milk from other sources for use in Class I but because of the allocation provisions such Grade A milk is classified in Class II and the non-Grade A producer milk which is actually used in Class II is allocated to Class I. The proponents of this amendment (certain proprietary handlers) said this gives an unfair competitive advantage to these cooperatives. Since the Grade A milk in question has been allocated to Class II, the plants which furnish it are not regulated by the order. Accordingly, there is no requirement to pay producers the minimum price for milk received. Because of these conditions such plants would probably be willing to dispose of milk to handlers at less than the Class I price at least during the flush production months of the year.

Since Grade A milk is not required for sale in the entire marketing area, however, and since some handlers do dispose of milk for Class I use which is not sold as Grade A milk, the recommendation contained in the recommended decision of the Deputy Administrator, with respect to the allocation of Grade A milk should be modified. Instead of allocating all receipts of Grade A milk to Class I before allocating any non-Grade A milk to such use, the order should provide that Grade A milk be allocated to Class I to the extent of the handler's disposition of Class I milk under a Grade A label, before any non-Grade A milk is so allocated. Adoption of this proposal will correct the existing situation whereby plants which are a regular source of supply for Grade A milk for use in Class I escape regulation because some milk, not acceptable for use in the portions of the marketing area where Grade A is required, is received at the plant which it furnishes with Grade A milk. At the same time it will permit handlers to con-

tinue to purchase for manufacturing purposes, surplus Grade A milk from plants not otherwise associated with the market without bringing such plants under regulation. Adoption of the revised provision will afford the proprietary handlers the relief they seek and will benefit the farmers who supply milk to unregulated plants which are a regular source of Grade A milk for the Class I supply of the market. Allocation to Class I of the milk in question would make these plants subject to regulation and would require them to pay producers for their milk according to its utilization.

4. In addition to the changes specifically enumerated above, it has been necessary to make certain changes in the text of the order which was contained in the recommended decision to effectuate the above recommendations or to further clarify the provisions of the order.

Determination of representative period. The month of March 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area in the manner set forth below is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order which will be published with this decision.

This decision filed at Washington, D. C., this 1st day of June 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order¹ Amending the Order, as Amended, Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area

§ 973.0 **Findings and determinations.** The findings and determinations hereinafter set forth are supplementary to

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

and in addition to the findings and determinations made in connection with the issuance of this order, and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Supps., 900.1 et seq.) a public hearing was held at St. Paul, Minnesota, on October 21 and 22, 1953, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held; and

(4) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment monthly by each handler, as his pro rata share of such expenses, of one and one-half cents per hundredweight, or such amount not exceeding one and one-half cents per hundredweight as the Secretary may prescribe, with respect to all milk received by him during the month from producers (including such handler's own production).

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 973.5 and substitute therefor the following:

§ 973.5 *Fluid milk plant.* "Fluid milk plant" means a milk plant (a) where milk is processed or packaged and from which Class I milk, as defined in § 973.41 (a) is disposed of on retail or wholesale routes (including plant stores) in the marketing area, or (b) from which skim milk or butterfat is transferred or diverted as Class I milk to a plant described in paragraph (a) of this section: *Provided*, That any such transferring plant shall not be included in this definition if such transfers or diversions are made (1) only during the months of August, September, October, and November, or (2) on not more than 3 days during any other month and in a total amount not in excess of 95,000 pounds. Any plant which has been designated a fluid milk plant shall continue to be so designated during any delivery period in which skim milk and butterfat are transferred or diverted to another fluid milk plant until August 1 of the year following that in which such transfer was last made.

2. Delete § 973.6 and substitute therefor the following:

§ 973.6 *Non-fluid milk plant.* "Non-fluid milk plant" means any milk processing plant during any delivery period in which it does not meet the requirements of a fluid milk plant as defined in § 973.5.

3. Delete §§ 973.8, 973.9 and 973.10 and substitute therefor the following:

§ 973.8 *Producer.* "Producer" means any person other than a producer-handler, who produces milk which is shipped directly to a fluid milk plant from the farm where produced.

§ 973.9 *Handler.* "Handler" means any person in his capacity as the operator of a fluid milk plant, but this definition shall not include a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities.

§ 973.10 *Producer-handler.* "Producer-handler" means any person who both produces milk and is a handler and who receives no milk directly from the farms of other producers and not more than 50,000 pounds of milk (3.5 percent butterfat equivalent) during the delivery period from other handlers which are cooperative associations: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

4. Add as §§ 973.14, 973.15 and 973.16 the following:

§ 973.14 *Producer milk.* "Producer milk" means any skim milk and butterfat contained in milk received at a fluid milk plant directly from the farms of producers.

§ 973.15 *Other source milk.* "Other source milk" means all skim milk and butterfat received at a fluid milk plant other than that skim milk and butterfat

contained in producer milk or received from other handlers.

§ 973.16 *Grade A milk.* "Grade A milk" means milk which is produced under a Grade A permit or rating issued by a municipal or State health authority having jurisdiction in the marketing area, or milk which is permitted by such a health authority to be disposed of for consumption as milk under a Grade A label.

5. Delete § 973.32 and substitute therefor the following:

§ 973.32 *Reports as to producers and cooperative associations of producers.* Each handler shall, on or before the 25th day of each delivery period, submit to the market administrator such handler's producer payroll for the preceding delivery period which shall show for each producer or cooperative association of producers (a) the total pounds of milk delivered with the average butterfat test thereof and (b) the net amount of the payment to each producer or to each cooperative association of producers together with the price deductions and charges involved.

6. Delete § 973.41 and substitute therefor the following:

§ 973.41 *Classes of utilization.* Subject to the conditions set forth in §§ 973.42 and 973.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk (including reconstituted skim milk), concentrated milk, buttermilk, flavored milk drinks (except flavored milk drinks in hermetically sealed containers), cream (sweet or sour, including mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream) and all skim milk and butterfat not specifically accounted for pursuant to paragraph (b) of this section.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat stored in a public cold storage warehouse as frozen cream, or disposed of as animal feed, and all skim milk and butterfat used to produce a milk product other than those specified in paragraph (a) of this section.

7. Delete § 973.43 and substitute therefor the following:

§ 973.43 *Transfers.* Skim milk or butterfat transferred or diverted in fluid form as milk, skim milk, or cream, by a handler shall be classified as follows:

(a) As Class I milk if transferred or diverted to another handler (except a producer-handler) unless utilization in Class II is mutually indicated to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer or diversion occurred, but in no event shall the amount classified in either class exceed the total use in such class by the transferee handler: *Provided*, That if Class I milk has been disposed of as Grade A milk from either plant, the Grade A milk in such plant shall be assigned to Class I in an amount equal to such plant's disposition of Class

I milk under a Grade A label before any non-Grade A milk may be assigned to Class I.

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a non-fluid milk plant located less than 100 miles from the marketing area unless (1) the handler reports to the market administrator on or before the 8th day after the end of the delivery period that such skim milk or butterfat was utilized in Class II, (2) the non-fluid milk plant maintains records showing the receipt and utilization of all skim milk and butterfat at such plant which are made available to the market administrator for purposes of verification, and (3) such non-fluid milk plant had actually used not less than an equivalent amount of skim milk and butterfat in Class II: *Provided*, That if verification of such records discloses that an equivalent amount of skim milk and butterfat had not been used in Class II, the remaining pounds shall be classified as Class I.

(d) As Class I milk is transferred or diverted in the form of milk or skim milk or transferred in the form of cream in consumer packages, and as Class II if transferred in the form of cream in bulk, to a purchaser whose plant is located more than 100 miles from the marketing area.

8. Delete § 973.45 (a) and substitute therefor the following:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the pounds of skim milk in Class II the pounds of non-Grade A skim milk received from plants which have not been previously designated as fluid milk plants: *Provided*, That if the receipts from such plants are greater than the pounds of skim milk in Class II an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of non-Grade A skim milk received from plants which have been designated as fluid milk plants: *Provided*, That if the receipts from such plants are greater than the amount of skim milk remaining in Class II an amount equal to the difference shall be subtracted from Class I,

(3) Subtract from the remaining pounds of skim milk in each class the pounds of Grade A skim milk received from plants which have been designated as fluid milk plants in accordance with its classification as determined pursuant to § 973.43 (a)

(4) Subtract from the remaining pounds of skim milk in Class I, the pounds of Grade A skim milk received from plants which have not been previously designated as fluid milk plants in the amount, if any, by which the disposition of such handler of skim milk in Class I milk under a Grade A label is greater than the receipts of Grade A skim milk by such handler from producers and other fluid milk plants;

(5) Subtract from the remaining pounds of skim milk in Class II, the re-

maining pounds of Grade A skim milk received from plants which have not been previously designated as fluid milk plants: *Provided*, That, if the remaining pounds of skim milk in Class II are less than the remaining amount of Grade A skim milk from such plants, an amount equal to the difference shall be subtracted from Class I, and

(6) If the total pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers an amount equal to the difference shall be subtracted from Class II. *Provided*, That if the remaining pounds of skim milk in Class II are less than the amount to be subtracted an amount equal to the difference shall be subtracted from Class I.

9. Amend § 973.50 (a) by adding thereto the following: "*Provided*, That in any delivery period in which the 'supply and demand ratio' computed pursuant to § 941.51 of this chapter, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area affects the Class I price computed pursuant to § 941.52 (a) by more than 6 cents, the price computed pursuant to this paragraph shall be adjusted by a like amount."

10. Delete § 973.50 (b) and substitute therefor the following:

(b) *For Class II milk*. The price shall be that determined by the market administrator as follows: (1) Multiply by 4.24 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at New York as reported by the Department of Agriculture during the delivery period; (2) multiply by 8.2 the weighted average of carlot prices for spray process nonfat dry milk solids, for human consumption f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period; (3) add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph; and (4) subtract 75.2 cents therefrom.

11. Amend § 973.51 to read as follows:

§ 973.51 *Basic prices*. The basic price to be used in determining the Class I price shall be the price for Class II milk computed pursuant to § 973.50 (b) for the preceding delivery period or that computed from either of the formulas set forth in paragraphs (a) and (b) of this section, whichever is the highest.

(a) The average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the preceding delivery period at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture:

Companies and Locations

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.

Borden Co., New London, Wis.
Carnation Co., Clinton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) (1) Multiply by 6 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade AA (93-score) bulk creamery butter at New York as reported by the Department of Agriculture during the preceding delivery period; (2) add 2.4 times the weekly prevailing price of "Cheddars" during the preceding delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture; (3) divide the resulting sum by 7; (4) add 30 percent thereof; and (5) multiply the resulting sum by 3.5.

12. Delete § 973.52 and substitute therefor the following:

§ 973.52 *Location differential to handlers*. (a) With respect to producer milk purchased or received at a fluid milk plant and which is classified as Class I milk, the price per hundredweight computed pursuant to § 973.50 (a) shall be reduced by the amount indicated below for the distance that such plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul. Such deduction shall be based on the airline mileage as computed by the market administrator.

(b) For the purposes of this section, the milk which is classified as Class I during each delivery period shall be considered to have been first that which was received from producers at such handler's fluid milk plant located nearest to the Minnesota Transfer Viaduct and then that milk which was received at such handler's other fluid milk plants in the order of their distance from the Minnesota Transfer Viaduct.

Location of Plant and Amount of Deduction

	Cents
0 to 15 miles.....	0
15 to 20 miles.....	8
20 to 30 miles.....	10
30 to 40 miles.....	12
40 to 50 miles.....	14
50 to 60 miles.....	15
60 to 70 miles.....	16
70 miles or over.....	17

¹Plus an additional 1 cent for each 10 miles or fraction thereof in excess of 80 miles.

13. Add as § 973.64 the following:

§ 973.64 *Other source milk diverted by a cooperative association*. Other source milk caused by a cooperative association to be delivered to a fluid milk plant for its account from a non-fluid milk plant operated by a person who is not a handler shall be considered to have been first received by such cooperative association.

14. Amend § 973.70 by deleting the reference to "§ 973.45 (a) (3)" and substituting therefor a reference to "§ 973.45 (a) (6)"

15. Delete § 973.82 and substitute therefor the following:

§ 973.82 *Location differential to producers.* In making payment pursuant to § 973.80 (a) and (b) for milk received from producers at a fluid milk plant, each handler shall deduct from the uniform price payable to such producer the amount indicated below for the distance that such plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul. Such deduction shall be based on the airline mileage as computed by the market administrator.

Location of Plant and Amount of Deduction

	Cents
0 to 15 miles.....	0
15 to 20 miles.....	8
20 to 30 miles.....	10
30 to 40 miles.....	12
40 to 50 miles.....	14
50 to 60 miles.....	15
60 to 70 miles.....	16
70 miles or over.....	17

¹ Plus an additional 1 cent for each 10 miles or fraction thereof in excess of 80 miles.

16. Delete § 973.90 and substitute therefor the following:

§ 973.90 *Expense of administration.* As his pro rata share of the expense of administration of this part each handler, with respect to all milk purchased or received during the delivery period directly, from the farms of producers (including such handler's own production) shall pay to the market administrator on or before the 18th day after the end of the delivery period, 1.5 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe.

[F. R. Doc. 54-4283; Filed, June 3, 1954; 8:50 a. m.]

Commodity Exchange Authority

[17 CFR Part 1]

GENERAL REGULATIONS UNDER COMMODITY EXCHANGE ACT

INFORMATION TO BE SUPPLIED WITH FOREIGN ORDERS

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) notice is hereby given that the Secretary of Agriculture, under the authority contained in sections 4g and 8a (5) of the Commodity Exchange Act (7 U. S. C. 6g, 12a (5)), is considering the adoption of a new provision to be added to the regulations under the Commodity Exchange Act (Part 1, Chapter I, Title 17, Code of Federal Regulations) to be numbered § 1.47 (17 CFR 1.47) to read substantially as follows:

§ 1.47 *Information to be supplied with foreign orders*—(a) *Information required.* No registered futures commission merchant shall accept, execute, or transmit for execution, any order, received from or originating outside of the United States or its territories, or for the account of any person located outside of the United States or its territories, for the purchase or sale of any commodity for future delivery on or subject to the rules of a contract market, and no registered futures commission merchant shall accept, record, or clear any trade

or contract resulting from any such order, unless—

(1) The name and address of the ultimate customer are disclosed to such futures commission merchant, by code or otherwise; and

(2) Such futures commission merchant keeps, in the name of each such customer, a full and complete record of all such orders, trades and contracts, including the date, commodity, future, price, and such other details as are required with respect to orders, trades, and contracts of customers located within the United States or its territories.

(b) *Records and reports.* Each registered futures commission merchant shall, for a period of five years from the date thereof, keep full and complete records of all such orders, trades, and contracts, including a separate account for each such ultimate customer, and shall produce the same for inspection and furnish true and correct information and reports with respect thereto when and as required by any authorized representative of the Commodity Exchange Authority.

(c) *Exceptions.* The requirements of this section shall not apply to orders received by a registered futures commission merchant from another registered futures commission merchant, or to trades or contracts cleared on behalf of such other registered futures commission merchant, if the account of such other registered futures commission merchant is carried on an omnibus or non-disclosed basis.

(d) *Purpose of section.* It is the intent and purpose of this section that in the case of orders originating outside of the United States or its territories for the purchase or sale of any commodity for future delivery on or subject to the rules of a contract market within the United States, there be available to the Commodity Exchange Authority the same type of information with respect to ownership or control of accounts and the identity of parties to contracts as is available in the case of orders which originate within the United States or its territories.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation should file the same with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D. C., not later than July 1, 1954.

Issued this 1st day of June 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary.

[F. R. Doc. 54-4287; Filed, June 3, 1954; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 40]

[Draft Release No. 54-16]

AIR CARRIER OPERATING CERTIFICATION

FLIGHT TIME LIMITATIONS FOR LONG DISTANCE SCHEDULED INTERSTATE OPERATIONS

Notice is hereby given that the Civil Aeronautics Board has under consider-

ation the adoption of an amendment to Part 40 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, Attention: Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by July 1, 1954. Copies of such communications will be available after July 7, 1954, for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Bldg., Washington, D. C.

The Board has recently been petitioned by three trans-continental carriers for waivers of § 40.320 of Part 40 of the Civil Air Regulations insofar as that section would prevent the scheduling of flight crew members in excess of 8 hours for non-stop trans-continental operations. Without hereby deciding the merits of the requests for waivers, the Board believes that rule-making proceedings should be immediately instituted to determine the desirability of a general rule which would extend the 8-hour limitation for long distance non-stop operations. At the present time, § 41.55 of Part 41 of the Civil Air Regulations, applicable to international flight operations, allows the scheduling of pilots to fly up to 12 hours during any 24 consecutive hours when an aircraft carries two pilots and one additional flight crew member. The Board desires to determine whether a somewhat similar rule should be made applicable to domestic long distance operations.

The Board therefore has under consideration an amendment to Part 40 of the Civil Air Regulations which will permit air carriers to schedule flight crew members to fly aircraft having at least two pilots and one additional flight crew member up to 12 hours during any 24 consecutive hours, provided that such aircraft be pressurized and that the flight be scheduled for not more than one take-off and landing. The Board also desires comment as to what restrictions or limitations, if any, should be applicable to flights scheduled in excess of 8 hours.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938 as amended. The proposal may be changed in the light of comments received in response hereto and the matter may be set down for oral presentation before the Board should the comments submitted indicate the desirability thereof.

(Sec. 205 (a), 52 Stat. 934; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012 as amended; 49 U. S. C. 551-560)

Dated May 28, 1954, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-4283; Filed, June 3, 1954; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 211]

USE OF RELOCATED, RENUMBERED, AND ALTERNATE HIGHWAYS, DEVIATION FROM AUTHORIZED ROUTES, AND DEADHEADING OF EMPTY VEHICLES BY MOTOR COMMON AND CONTRACT CARRIERS SUBJECT TO THE INTERSTATE COMMERCE ACT

NOTICE OF PROPOSED RULE MAKING

MAY 26, 1954.

Numerous inquiries have been received by the Commission from interstate motor carriers holding authority to operate over regular routes regarding the use of (a) relocated, renumbered, and alternate highways which parallel their authorized route; (b) by-pass highways around congested areas or hazardous segments of authorized highways; (c) new bridges and tunnels constructed for the purpose of relieving congestion or eliminating dangerous curves on existing highways; (d) ferries and bridges (old or new) when conditions require their use to continue a service authorized; and (e) any available highway to deadhead empty vehicles incidental to authorized transportation in interstate or foreign commerce.

Responsive to the inquiries referred to in the foregoing paragraph, and pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003), notice is hereby given of proposal to adopt rules and regulations governing deviation from authorized regular routes by motor common and contract carriers operating under authority issued by this Commission.

1. The proposed rules and regulations are:

Deviation from regular routes in the use of relocated, renumbered, and alternate highways, and in deadheading empty vehicles by motor carriers subject to the Interstate Commerce Act—(a) Definitions. As used herein, the following words and terms are construed to mean:

(1) *Regular route.* A specified highway or series of highways over which a motor carrier is authorized to operate and from which the carrier is authorized to serve specified points, or points in specified territories.

(2) *Alternate route.* A specified highway or series of highways over which a motor carrier may deviate from a point on an authorized regular route and return at some other point on the same regular route in order to avoid congested areas, dangerous grades, sharp curves, or other hazards on the regular route.

NOTE: A carrier may not render service at any point from an alternate route.

(3) *Connecting route.* A specified highway or series of highways over which a motor carrier may operate in transferring its operations from one authorized route to another at any place where there is no joinder of routes at a common service point.

NOTE: A carrier may not render service at any point from a connecting route.

(4) *Relocated highway.* A highway which has been constructed in a new lo-

cation in lieu of an existing highway, or segments thereof, and which is intended to replace such existing highway or segments for public use.

(5) *Renumbered highway.* A specified highway to which has been assigned a new number in lieu of the number previously assigned thereto.

(6) *Deadheading empty vehicles.* The movement of vehicles, either empty or carrying so-called exempt commodities, from point where cargo is delivered back to the carrier's terminal or to another authorized point of service.

(b) *Special conditions.* In addition to the general conditions set forth in paragraph (c) below, the following special conditions are applicable as indicated in each instance:

(1) *Renumbered highways.* Where a carrier holds authority to operate over a specified highway and thereafter that highway or a segment thereof is renumbered, the carrier shall advise the Commission by letter giving sufficient information regarding the old and the new number, the points between which the highway number has been changed and where such highway is described in the carrier's authority, to permit prompt change on the records of the Commission. The new number of the highway will be shown when the Commission reissues the certificate or permit.

(2) *Rebuilt highways and abandonment of old highways.* Where a carrier holds authority to operate over a specified highway and thereafter that highway or a segment thereof is rebuilt, with curves reduced or eliminated, involving relocation of portions of such highway or segment thereof, the old highway or segment being no longer maintained for use by the general public, and the new or relocated highway or segment is identified by the same number as the old or abandoned highway, the carrier may operate over such relocated portions of the highway under its authority, and without notice to the Commission of such change; provided there is no change in the service which was rendered from the old highway, except that service may be rendered at intermediate points on the new highway which previously were served as off-route points from the old highway.

(3) *Relocated highways and maintenance of old highway under new number.* Where a carrier holds authority to operate over and serve points on or from a specified highway and thereafter that highway or a segment thereof is relocated and the old highway is maintained under a new number, the carrier must continue to operate over the old highway and advise the Commission of the change in the highway number as specified in (b) (1) above; or

If the relocated highway is given the number of the old highway and the carrier desires to operate over such relocated highway as an alternate route it may do so provided the distance over such alternate route is not less than 90 percent of the distance over the authorized route between the points involved; that it continues to furnish the service authorized from the old highway that it advises the Commission of the change in the number of the old highway as specified in (b) (1) above; and complies

with the "General Conditions" outlined in paragraph (c), or

If the carrier is not authorized to render service at any point on or from the old highway and desires to use only the new highway which bears the old highway number as its operating route, it may do so provided it promptly advises the Commission of such change giving descriptions of the old and the new highways between the points involved; or

If the carrier desires to use the new highway for the purpose of serving points authorized to be served on or from the old highway appropriate authority for such operation must first be obtained from the Commission.

(4) *Alternate highways where municipality and terminal area thereof involved.* A carrier authorized to serve a municipality or an unincorporated community and the terminal area thereof, under the provisions of the Commission's order in Ex Parte No. MC 37, may serve all places within such municipality or unincorporated community and terminal area thereof by the use of any highway or street located therein without notice to the Commission, unless streets over which the carrier may operate are specifically designated in its authority.

(5) *Restricted use of authorized highway.* When a highway or a segment thereof is closed or weight restrictions are placed thereon for various reasons which prevent the operation of the equipment of a motor carrier over its authorized route it may use an alternate route in order to by-pass the closed or restricted highway. If the distance over the alternate route which the carrier desires to use is less than 90 percent of the distance over the authorized route the carrier may use such shorter highway provided it has been designated as the official detour route and a statement is furnished by the State Highway Department to that effect. Such statement should be sent to the Commission together with the information required under "General Conditions" as set forth below.

(6) *By-pass highways.* Where a new highway is constructed or one already constructed is designated for the purpose of avoiding congested areas or difficult or hazardous segment of an existing highway, a carrier desiring to operate over such "By-pass highway" as an alternate route may do so provided it complies with the "General Conditions" outlined below.

(7) *Bridges, tunnels, and ferries.* Where a new bridge or tunnel is constructed to replace an old bridge or a ferry, or to eliminate a hazardous curve or grade, a carrier desiring to use such new bridge or tunnel may do so, subject to the "General Conditions" outlined below.

(8) *New highways.* Where a motor carrier is authorized to operate over a specified highway or highways which parallel new highways constructed through the same general areas or territories, it may use such new highways as an alternate route provided the distance over such alternate route, from point of departure from its authorized route to point of return to such route, is

not less than 90 percent of the distance over the carrier's authorized route between the points of departure from and return to its authorized route, subject to the "General Conditions" outlined below.

(9) *Deadheading empty equipment.* A motor carrier may deadhead empty equipment over any highway which will provide a reasonably direct and practicable return of the equipment to the carrier's terminal or to an authorized service point.

(10) *Deviation from regular routes in the transportation of U. S. Mail by motor carriers of property.* Common and contract motor carriers of property holding authority to operate over regular routes may deviate from their authorized routes, without obtaining prior authority therefor, in delivering or picking up the U. S. Mail at points within 10 airline miles of the authorized routes, under contract with the Post Office Department, transporting authorized commodities in the same vehicle with the mail, subject in all instances to the "General Conditions" outlined below.

(11) *Interchange of equipment by common carriers of explosives and other dangerous articles.* Interchange of equipment by common carriers holding authority to transport explosives and other dangerous articles over regular routes may be effected at any place within 10 miles of a municipality or within 10 miles of the Post Office of an unincorporated community where interchange is permissible under existing authorities of the interlining carriers involved subject to the "General Conditions" outlined below.

(12) *Service at military installations.* If entrance to a military installation can be made through a gate within the scope of authority held by a motor carrier pursuant to a certificate or permit issued by this Commission or under decisions of the Commission relating to certificates and permits and thereafter such entrance should be closed or for some other reason beyond the carrier's control it is unable to use that entrance it may use other gates to continue serving the installation provided, however, that the carrier shall not travel more than 20 highway miles over public highways outside the scope of its certificate or permit or the territory it is permitted to serve under decisions of the Commission relating to certificates and permits subject to the "General Conditions" outlined herein below.

(c) *General conditions.* Motor carriers holding authority from this Commission to operate over regular routes may deviate from their authorized routes in the manner and for the purposes indicated above, without obtaining prior authority therefor, subject in all instances to the following conditions:

(1) The carrier shall give notice to the Commission, by letter, setting forth a complete description, by highway numbers, of the carrier's authorized route between the point where it proposes to leave the authorized highway and the point where it proposes to return to such highway and also a complete description, by highway numbers, of the proposed deviation route between the point

where it proposes to leave its authorized highway and the point where it will return to such highway.

(2) The letter must be accompanied by a map on which shall be clearly shown in one color the authorized route and in a different color the deviation route involved, reflecting also in each instance the official highway numbers.

(3) The letter shall contain a statement to the effect that the carrier filing the notice will continue to furnish reasonable and adequate service at all points it is now authorized to serve, that it will not serve new points or points it is not now authorized to serve, and that such deviation from its authorized route will not enable the carrier to engage in transportation between any points where because of the circuitry of its present route, or otherwise, such operation is not now practicable.

(4) The letter shall also contain a statement indicating that a copy of such notice, accompanied by a map as indicated above, has been served by mail or in person on the following, listing by names and addresses in each instance:

(i) All carriers which, after diligent inquiries, have been found to be competitive with the carrier's proposed operation over the deviation route.

(ii) The State Board or official which has jurisdiction over motor carrier regulations in each State in or through which the proposed operations over the deviation route will be conducted.

(iii) The District Director of the Interstate Commerce Commission of each District in or through which the proposed operations over the deviation route will be conducted.

(5) The right to operate in the manner indicated herein-above shall continue only so long as the carrier is performing service authorized under the Interstate Commerce Act, and only so long as the conditions set forth herein are observed.

(6) Such further terms, conditions, and limitations as the Commission, in the future, may find it necessary to impose or attach to the exercise of the privileges herein authorized.

(d) *Protests.* Any party in interest may file a protest within 30 days from the date a carrier gives notice of intent to deviate from its authorized route in the manner indicated above. Such protest may be in the form of a letter, should contain facts and information to support protestant's opinion that the carrier filing such notice cannot meet the terms of the above-specified conditions, and should reflect that a copy of the protest has been furnished to the carrier filing the notice. If such a protest is filed the Commission will give due consideration to all facts of record in the particular case, including the notice and protest, and will make a determination in accordance with those facts.

(e) *When applications required.* These rules are not applicable to connecting routes. A carrier desiring to use a connecting route must obtain appropriate authority therefor from the Commission before so operating.

(f) *Irregular-route operations.* Motor carriers authorized to operate over irregular routes require no specific author-

ity from this Commission to use any highway, bridge, tunnel, or ferry in performing their authorized services.

The Commission may forbid deviation in accordance with this order whenever in its opinion such deviation is otherwise unreasonable or undesirable.

2. *Orders to be superseded.* If the foregoing proposed rules and regulations are adopted the adoption order will supersede the orders listed below:

(a) Order March 22, 1945. Rules and regulations governing deviation from routes by regular route common carriers of passengers or property by motor vehicle.

(b) Order October 5, 1951. Use of Pennsylvania Turnpike (Toll Highway) by common and contract motor carriers subject to the Interstate Commerce Act.

(c) Order June 12, 1951. Use of Delaware Memorial Bridge by common and contract motor carriers subject to the Interstate Commerce Act.

(d) Order July 10, 1951. Use of Chesapeake Bay Bridge by common and contract motor carriers subject to the Interstate Commerce Act.

(e) Order August 25, 1952. Use of New Hampshire Turnpike (Toll Highway) by common and contract motor carriers subject to the Interstate Commerce Act.

(f) Order September 16, 1952. Use of New Jersey Turnpike (Toll Highway) by common and contract motor carriers of property subject to the Interstate Commerce Act.

(g) Order January 7, 1953. Use of Turner Turnpike (an Oklahoma Toll Highway) by common and contract motor carriers subject to the Interstate Commerce Act.

(h) Order September 26, 1952. Deviation from authorized regular routes in the transportation of U. S. Mail by common and contract motor carriers of property subject to the Interstate Commerce Act.

(i) Order October 19, 1953. Rules and regulations governing deviation from authorized regular routes in the transportation of explosives and other dangerous articles by motor carriers subject to the Interstate Commerce Act.

(j) Order November 3, 1953. Rules and regulations governing service at military installations by motor carriers subject to the Interstate Commerce Act.

3. *Representations by interested parties.* No oral hearing is contemplated in this matter, but anyone wishing to make representations in favor of or against the proposed rules and regulations may do so through the submission of written data, views, or arguments. The original and five copies of such submission shall be filed with the Commission on or before July 16, 1954.

Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4278; Filed, June 3, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

MAY 27, 1954.

Notice is given that the plat of original survey of the following described lands, accepted February 1, 1954, will be officially filed in the Land Office, Anchorage, Alaska, effective at 10:00 a. m. on the 35th day after the date of this notice:

SEWARD MERIDIAN

T. 7 N., R. 11 W., Section 1.

The area described contains 542.69 acres.

The lands are located 6 miles north of Kenai and accessible by year round North Kenai Road. The land is characterized by rolling hills and open stands of spruce and birch and is considered suitable for agricultural purposes.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended, home or headquarter site under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461) by qualified veterans of World War II and other qualified persons entitled to preference under the act of Sept. 27, 1944 (58 Stat. 747, 43 U. S. C. 279-284) as amended, subject to the requirements of applicable law, and (2) applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under the paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously

at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statement in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homestead laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office.

VIRGIL O. SEISER,
Manager

[F. R. Doc. 54-4259; Filed, June 3, 1954;
8:46 a. m.]

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

MAY 27, 1954.

Notice is given that the plat of original survey of the following described lands, accepted March 2, 1954, will be officially filed in the Land Office, Anchorage, Alaska, effective at 10:00 a. m. on the 35th day after the date of this notice:

SEWARD MERIDIAN

T. 7 N., R. 11 W., Section 18.

The area described contains 569.86 acres.

The lands lie approximately 8 miles north of Kenai Townsite and lie about 2 miles west of the North Kenai road. The land is characterized by rolling hills and scattered stands of birch and spruce and is considered suitable for agricultural purposes.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of exist-

ing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, home or headquarters site under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461) by qualified veterans of World War II and other qualified persons entitled to preference under the act of Sept. 27, 1944 (58 Stat. 747, 43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under the paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statement in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at An-

chorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homestead laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office.

VIRGIL O. SEISER,
Manager

[F. R. Doc. 54-4260; Filed, June 3, 1954;
8:46 a. m.]

[Misc. 15]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 27, 1954.

Pursuant to an exchange made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. Sec. 315 (g)) the following described lands have been reconveyed to the United States.

WILLAMETTE MERIDIAN OREGON

T. 20 S., R. 42 E.,
Sec. 11, W $\frac{1}{2}$.

The areas described aggregate 320 acres.

The land described is located 20 miles west of the town of Vale, Oregon, and within one-half mile from the Malheur River. The land has an elevation of 4,000 feet, the topography is rolling, and the soil is volcanic intermingled with rock and gravel. The area has an annual precipitation of 7½ inches. The land is desert in character and primarily suitable for grazing purposes. The land described is contiguous to a large block of other public lands similar in character and should be retained in public ownership for grazing purposes under the administration of the Bureau of Land Management.

While any application that is filed will be considered on its merits, it is unlikely that any part of the lands will be classified for any use or disposal other than that shown above.

No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws unless the lands have been classified as valuable or suitable for such type of classification or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Portland 14, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under

the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Land Office, Portland 14, Oregon.

RUSSELL E. GETTY,
Acting State Supervisor.

[F. R. Doc. 54-4253; Filed, June 3, 1954;
8:46 a. m.]

Office of the Secretary

LAND OFFICE FUNCTIONS

TRANSFER FROM WASHINGTON, D. C., TO BILLINGS, MONT., CHEYENNE, WYO., AND SANTA FE, N. MEX.

Effective at the close of business July 30, 1954, the land office functions now performed in the Washington, D. C., office of the Bureau of Land Management, involving the use and disposal of public lands and minerals, and of minerals in acquired lands, in the (1) States of North Dakota and South Dakota, are transferred to the land office at Billings, Montana, (2) States of Nebraska and Kansas, are transferred to the land office at Cheyenne, Wyoming, and (3) States of Oklahoma and Texas, are transferred to the land office at Santa Fe, New Mexico.

On and after August 2, 1954, only those applications for lands in the respective states received and filed in the offices to which the functions for such states are transferred shall be received and held, except that any application addressed to the Washington, D. C., office of the Bureau of Land Management which is postmarked not later than 12:00 p. m. on July 30, 1954, shall be accorded priority as of the date and hour of its receipt in the Washington office.

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U. S. C., 1952 ed., sec. 1332-15, note)

DOUGLAS MCKAY,
Secretary of the Interior

MAY 28, 1954.

[F. R. Doc. 54-4261; Filed, June 3, 1954;
8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

WATERMAN STEAMSHIP CORP. ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 7978, between Waterman Steamship Corporation and Th. Brovig (Mexican Line) covers the transportation of cargo under through bills of lading from Puerto Rico to Mexico, with transshipment at New Orleans, Louisiana.

(2) Agreement No. 7984 between Bull Insular Line, Inc., and New York & Cuba

Mail Steamship Company (Cuba Mail Line) covers the transportation of cargo under through bills of lading from Puerto Rico to Mexico with transshipment at the Ports of New York, Baltimore or Philadelphia.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 1, 1954.

By order of the Federal Maritime Board,

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 54-4288; Filed, June 3, 1954;
8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5993]

TRANS-TEXAS AIRWAYS; CONTROL AND
INTERLOCKING RELATIONSHIPS CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of R. E. McKaughan and Trans-Texas Airways for approval of control and interlocking relationships under sections 408 and 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 17, 1954, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 27, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner

[F. R. Doc. 54-4254; Filed, June 3, 1954;
8:45 a. m.]

[Docket No. 5993]

TRANS-TEXAS AIRWAYS; CONTROL AND
INTERLOCKING RELATIONSHIPS CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the application of R. E. McKaughan and Trans-Texas Airways for approval of control and interlocking relationships under sections 408 and 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding now assigned to be held on June 17 is hereby postponed to June 24, 1954, 10:00 a. m., e. d. t., Room 5042, Commerce Building, Constitution Avenue, between Four-

teenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 1, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-4291; Filed, June 3, 1954;
8:52 a. m.]

[Docket No. 6663]

GILBERT AIR TRANSPORT CORP., INTERLOCK-
ING RELATIONSHIP

NOTICE OF HEARING

In the matter of the application of Gilbert Air Transport Corp. for approval under sections 408 and 409 of control and interlocking relationships involving A & B Delivery of Chicago.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding is assigned to be held on June 7, 1954 at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., May 28, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner

[F. R. Doc. 54-4255; Filed, June 3, 1954;
8:45 a. m.]

[Docket No. 6435 et al.]

TRENTON SERVICE CASE

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding now assigned to be held on June 7, 1954, at 10:00 a. m., e. d. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C. is postponed and reassigned for hearing on June 9, 1954, same time and place, before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C. June 1, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner

[F. R. Doc. 54-4290; Filed, June 3, 1954;
8:52 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

FIELD ORGANIZATION

MISCELLANEOUS AMENDMENTS

The following entries in section 22 (b) (5) are amended as indicated:

1. Opposite "District of Columbia" delete the address "Room 102, 1001 Vermont Avenue NW." and in lieu thereof

insert "Room 103, McShain Bldg., 333 Third Street NW."

2. Opposite "Grand Rapids, Michigan" delete the address "516-518 Grand Rapids National Bank Building" and in lieu thereof insert "516-518 Grand Rapids National Bank Building" and in lieu thereof insert "516-518 McKay Tower, 146-156 Monroe Avenue NW."

3. Opposite "Wyoming" under the columns headed respectively "City," "Address," and "Jurisdiction" revise the wording to read:

City	Address	Jurisdiction
Casper.....	864 S. Spruce St.....	Entire State,
Cheyenne ¹ .	308 W. 21st St., P. O. Box 658.	(See Casper.)

¹ Indicates a service office serving adjacent areas but reporting to an insuring office. (In this instance, the areas served are the counties of Albany, Goslin, Laramie, and Platte.)

OSBORNE KOERNER,
Director,
Administrative Services.

MAY 25, 1954.

[F. R. Doc. 54-4263; Filed, June 3, 1954;
8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2408]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application, filed April 19, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities, as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 6, 1954. (19 F. R. 2627)

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on June 15, 1954, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37

(f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: May 28, 1954.

Issued: May 28, 1954.

By the Commission.

[SEAL]

J. H. GUTRIE,
Acting Secretary.

[F. R. Doc. 54-4262; Filed, June 3, 1954;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-3069, 70-3167, 70-3220]

CITIES SERVICE CO. ET AL.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

MAY 28, 1954.

In the matter of Cities Service Company, The Gas Service Company, Gas Advisers, Inc., File Nos. 70-3069, 70-3167, 70-3220.

The Commission having by its order of April 6, 1954 (File No. 70-3220) granted and permitted to become effective an application-declaration filed by Cities Service Company ("Cities") a registered holding company, The Gas Service Company, a wholly owned utility subsidiary of Cities, and Gas Advisers, Inc., a mutual service company owned by various subsidiaries in the Cities system which are served by said Gas Advisers, Inc., regarding, among other things, the sale by Cities, pursuant to the competitive bidding requirements of Rule U-50, of 1,500,000 shares of \$10 par value common stock of The Gas Service Company, but having reserved jurisdiction over all fees and expenses incurred or to be incurred in connection with the proposed transactions; and

The record with respect to such fees and expenses having now been completed, and it appearing that the fees and expenses of Cities are as follows:

Frueauff, Burns, Farrell, Shanley & Johnson, counsel for Cities.....	\$45,000
The First Boston Corp., financial advisers	25,000
S. E. C. registration fee.....	3,750
Accountants' fee.....	2,500
Engineers' fee.....	15,000
Printing	18,000
Blue Sky fees.....	1,500
Miscellaneous	5,000
Total	115,750

It further appearing that the fee of Reid & Priest, independent counsel for the purchasers, is \$12,500, which is to be paid by said purchasers; and

It further appearing that the above fees and expenses relate not only to the recent successful sale by Cities but also to two prior unsuccessful attempts by Cities to sell The Gas Service Company common stock (File Nos. 70-3069 and 70-3167) and

The Commission finding that said fees and expenses set forth above are not unreasonable and that jurisdiction with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved with respect to such

fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 54-4265; Filed, June 3, 1954;
8:47 a. m.]

[File No. 70-3244]

SOUTHWESTERN GAS AND ELECTRIC CO.

ORDER REGARDING ISSUE AND SALE OF FIRST MORTGAGE BONDS AT COMPETITIVE BID- DING

MAY 28, 1954.

Southwestern Gas and Electric Company ("Southwestern") a Delaware corporation and a subsidiary company of Central and South West Corporation, a registered holding company, having filed a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder regarding certain proposed transactions, which are summarized as follows:

Southwestern proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, \$10,000,000 principal amount of its First Mortgage Bonds, Series F, -- percent, to be dated May 1, 1954, and to mature May 1, 1984. The Bonds will be issued under and secured by an Indenture of Mortgage dated February 1, 1940, executed by Southwestern to City National Bank and Trust Company of Chicago and Arthur T. Leonard, as Trustees, as heretofore amended, and to be further amended by a Supplemental Indenture to be dated May 1, 1954, between Southwestern and City National Bank and Trust Company of Chicago and R. Emmett Hanley, as Trustees. The price of the Bonds (which shall be not less than 100 percent or more than 102.75 percent of the principal amount thereof) and the interest rate (which shall be a multiple of $\frac{1}{8}$ of 1 percent) will be fixed by the competitive bidding.

The declaration states that the net proceeds from the sale of the Bonds, exclusive of accrued interest, will be used by the Company approximately as follows: \$7,500,000 to prepay or discharge the \$7,500,000 in principal amount of its outstanding $3\frac{3}{4}$ percent notes payable to banks, due November 19, 1954, the proceeds of which notes were used to finance construction expenditures of Southwestern; and the remainder to finance a part of the Company's construction expenditures which are estimated, for the calendar years 1954 and 1955, to aggregate approximately \$21,600,000.

It is stated that the Bonds have been authorized by the Arkansas Public Service Commission and the Corporation Commission of Oklahoma.

Fees and expenses of Southwestern are estimated as follows:

	Estimated expenses
Securities and Exchange Commission filing fee.....	\$1,040
Federal original issue stamp tax.....	11,000
Printing of registration statement, prospectus, bidding documents, supplemental indenture, etc.....	7,500

	Estimated expenses
Preparation of bonds.....	\$2,650
Trustee's fee.....	5,250
Accountants' fees.....	1,500
Fees for recording supplemental indenture.....	1,000
Reimbursement of underwriters for registration and qualification fees and counsel fees and expenses payable in connection with registration and qualification of bonds under State blue-sky or securities laws.....	3,000
State commission fees.....	5,500
Fees of counsel in Arkansas and Oklahoma.....	2,000
Fees of counsel in Louisiana and Texas.....	
Fees of Middle West Service Co., Chicago.....	6,000
Counsel fees (Stevenson, Dendler, Bailey & McCabe, Chicago).....	
Miscellaneous expenses, including travelling, telephone, etc.....	1,500
Total (estimated).....	48,000

¹ Covered by annual retainer agreements.

The fee of Isham, Lincoln & Beale, independent counsel for the purchasers, is \$5,000, which will be paid by the purchasers.

Notice of the filing of said declaration having been given in the manner prescribed by Rule U-23, and no hearing having been requested of or ordered by the Commission; the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, that the fees and expenses, if they do not exceed the estimates, are not unreasonable, and that said declaration, as amended, should be permitted to become effective forthwith, subject to the terms and conditions set forth in Rule U-24:

It is ordered, That said declaration as amended be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions set forth in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 54-4268; Filed, June 3, 1954;
8:47 a. m.]

[File No. 70-3249]

NORTH AMERICAN CO. AND 60 BROADWAY
BUILDING CORP.

ORDER REGARDING DISSOLUTION OF A NON- UTILITY SUBSIDIARY AND SALE OF ITS ASSETS

MAY 28, 1954.

The North American Company ("North American") a registered holding company, and its wholly owned non-utility subsidiary 60 Broadway Building Corporation ("Building Corporation") having filed a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") particularly sections 9 (a) 10, 12 (c) and 12 (f) thereof and Rules U-42, U-43 and U-44 promulgated thereunder with respect to proposed transactions which are summarized as follows:

Building Corporation, a wholly owned subsidiary of North American, will adopt a plan of liquidation and dissolution. The plan will provide for the filing of a certificate of dissolution in accordance with the laws of the State of New York and that, as the first of a series of two or more distributions in complete liquidation of Building Corporation, a distribution of the office building shall be made to the shareholders of Building Corporation as soon as practicable after the approval of the plan by said shareholders. The plan will then provide for winding up the business of Building Corporation and the transfer of its remaining assets to its shareholders and the assumption by its shareholders of any remaining liability. Any indebtedness by Building Corporation to North American is to be cancelled. North American in turn proposes to sell said land and office building to The Hanover Bank of New York City. The purchase price to be paid for said land and building is \$3,100,000. Building Corporation has outstanding a 3½ percent promissory note in the amount of \$912,500 secured by mortgages on said office building held by The Hanover Bank. It is planned that, prior to the distribution of the office building to North American, North American will pay said note, whereupon the mortgages securing said note will be discharged and Building Corporation will be released from its liability on said note.

It is requested that the Commission's order be made effective upon issuance.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, that no adverse findings are required, and that the application-declaration, as amended, should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-4264; Filed, June 3, 1954;
8:47 a. m.]

[File No. 70-3251]

MICHIGAN WISCONSIN PIPE LINE CO.

NOTICE OF FILING APPLICATION FOR ISSUANCE
OF BANK NOTES BY SUBSIDIARY OF REGIS-
TERED HOLDING COMPANY

MAY 28, 1954.

Notice is hereby given that Michigan Wisconsin Pipe Line Company ("Michigan-Wisconsin"), a non-utility subsidiary company of American Natural Gas Company, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of

1935 ("act") and the rules and regulations promulgated thereunder. Michigan-Wisconsin has designated section 6 (b) of the act and Rule U-50 (a) (2) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Michigan-Wisconsin proposes to enter into a Credit Agreement with the hereinafter named banks, and to issue, pursuant to the terms and conditions of said Credit Agreement, up to \$20,000,000 of bank notes, maturing July 1, 1955, to each of said banks in the following amounts set opposite its name:

The National City Bank of New York.....	\$6,666,667
The Hanover Bank, New York.....	6,666,667
Mellon National Bank & Trust Co., Pittsburgh, Pa.....	6,666,666
Total.....	20,000,000

Under the terms and conditions of the Credit Agreement, the banks will be committed to lend to applicant from time to time, upon demand on and after July 1, 1954, sums aggregating a maximum of \$20,000,000. The notes will bear interest at the prime rate (which is presently 3 percent) prevailing at the principal New York City banks for commercial loans on the date of each borrowing. The notes are to be prepayable at any time, without penalty, in amounts of \$300,000 or multiples thereof, except that if prepayment is to be made from the proceeds of borrowings from other than the participating banks, a prepayment penalty of ¼ of 1 percent per annum for the unexpired terms of the notes prepaid shall be payable.

In addition, applicant will pay a commitment fee in an amount calculated at the rate of ½ of 1 percent per annum on the average daily unused balance from July 1, 1954, until the entire commitment shall have been taken down. The company may reduce the commitment at any time without penalty.

Under the terms and conditions of the Credit Agreement, applicant agrees, among other things, that it will not withdraw the prior consent of the banks, (i) pay dividends on its common stock in excess of the amount permitted by the Mortgage and Deed of Trust dated September 1, 1948, between applicant and the City Bank Farmers Trust Company and George W. Dillon (Joseph C. Williams, successor Individual Trustee) as Trustees; (ii) incur other borrowings unless subordinated to the notes issued under the Credit Agreement, except first mortgage bonds issued under said Mortgage and Deed of Trust or any mortgage indenture supplementing or replacing the same, the proceeds of any increase in the aggregate principal amount thereof to be applied first to the prepayment of the notes issued under said Credit Agreement; and (iii) merge or consolidate with or into any other company.

The Credit Agreement provides that the applicant will apply the proceeds from the first borrowing, which is contemplated to be made on July 1, 1954, to the extent required to pay applicant's present bank loan notes (maturing July 1, 1954) then outstanding.

Applicant states that the proposed transactions are for the purpose of en-

abling applicant to renew its presently outstanding bank loans (\$20,000,000) for a period of one year in order to give applicant a reasonable opportunity to formulate and consummate permanent financing after determination of the company's pending rate proceedings before the Federal Power Commission.

Applicant states that no regulatory agency or authority other than this Commission has jurisdiction over the proposed transactions, and that the proposed issue of notes is exempt from section 6 (a) of the act by reason of the provisions of section 6 (b) and is exempt from the competitive bidding requirements of Rule U-50 by reason of the provisions of paragraph (a) (2) thereof.

The fees and expenses to be paid by applicant in connection with the proposed transactions are estimated in the amount of \$2,000, of which \$1,000 is payable to the firm of Sidley, Austin, Burgess & Smith for legal services.

Applicant requests that the Commission enter an order granting the application and that such order become effective upon issuance.

Notice is further given that any interested person may, not later than June 11, 1954, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 11, 1954, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-4267; Filed, June 3, 1954;
8:48 a. m.]

[File No. 70-3254]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING REGARDING CONTRIBUTIONS
TO SUBSIDIARY

MAY 28, 1954.

Notice is hereby given that General Public Utilities Corporation ("GPU") a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated section 12 (b) of said act and Rule U-45 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

GPU proposes to make cash capital contributions in an aggregate amount not to exceed \$500,000 to its subsidiary, Northern Pennsylvania Power Company ("North Penn") Each such contribution will, upon receipt by North Penn, be

credited to the stated capital applicable to its Common Stock. Such capital contributions will be made by GPU from time to time, but not later than December 31, 1954, as North Penn requires funds for construction purposes or to reimburse its treasury for expenditures therefrom for construction purposes or to repay bank loans utilized for such purposes. Proposals for the merger of North Penn into Pennsylvania Electric Company are pending before this Commission (General Public Utilities Corporation, et al, File No. 70-3050). In this connection, GPU stipulates and agrees that the favorable disposition of the instant declaration will not carry any implication, favorable or unfavorable, with respect to the disposition of the merger proceedings.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 17, 1954, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held in respect of the matters contained in said declaration, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 17, 1954, the Commission may permit said declaration to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 54-4268; Filed, June 3, 1954;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29296]

MOLASSES AND SYRUP FROM SOUTH TO
LAURENS, IOWA

APPLICATION FOR RELIEF

MAY 28, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below. Commodities involved: Molasses and syrup, carloads.

From: Gulfport, Miss., Mobile, Ala., New Orleans, La., and points taking same rates, and points in western Louisiana. To Laurens, Iowa.

Grounds for relief: Rail competition, circuitry, to maintain grouping, market

competition, and additional destination.

Schedules filed containing proposed rates: W P Emerson, Jr., Agent, I. C. C. No. 415, supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4240; Filed, June 2, 1954;
8:47 a. m.]

[4th Sec. Application 29297]

TAR FROM POINTS IN LOUISIANA EAST OF
MISSISSIPPI RIVER TO HAMMOND AND
OLIVER, LA.

APPLICATION FOR RELIEF

MAY 28, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Crude coal, petroleum or water gas tar, carloads.

From: Points in Louisiana east of the Mississippi River and points grouped therewith.

To: Hammond and Oliver, La.

Grounds for relief: Rail competition, circuitry, and to apply rates constructed on the basis of the short line distance formula, and additional destinations.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 385, supp. 132.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hear-

ing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4241; Filed, June 2, 1954;
8:47 a. m.]

[No. MC-C-1646]

CLASS RATES BETWEEN POINTS IN MIDDLE ATLANTIC TERRITORY

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 21st day of May A. D. 1954.

There being under consideration the matter of rates and charges, and regulations affecting such rates and charges, for the transportation in interstate or foreign commerce of various commodities, for application between points in Middle Atlantic territory, as set forth in Master Tariff No. 14, MF-I. C. C. No. A-570, and supplements to tariffs made subject thereto, of Middle Atlantic Conference, Agent, Washington, D. C., and Supplement No. 2 to MF-I. C. C. No. 13 of Association of Interstate Motor Carriers, Agent, Newark, N. J., all published to become effective on May 24, 1954, or as the same may be amended or reissued, and good cause appearing therefor:

It is ordered, That an investigation be, and is hereby, instituted into and concerning the lawfulness of the rates, charges and regulations contained in said schedules, with a view to the making by the Commission of such findings and orders in the premises as the facts and circumstances shall appear to warrant.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein and that further notice of this proceeding be given to the respondents and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4279; Filed, June 3, 1954;
8:49 a. m.]

[4th Sec. Application 29299]

INCINERATORS FROM HUNTSVILLE AND
SHEFFIELD, ALA., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

MAY 28, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1351, pursuant to fourth-section order No. 16101.

Commodities involved: Incinerators, garbage or offal, iron or steel, carloads. From: Huntsville and Sheffield, Ala. To: St. Louis, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon

a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4243; Filed, June 2, 1954;
8:48 a. m.]

[4th Sec. Application 29302]

BEET SUGAR FINAL MOLASSES FROM COLORADO, KANSAS, NEBRASKA AND WYOMING TO ILLINOIS AND ST. LOUIS, MO.

APPLICATION FOR RELIEF

JUNE 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Beet sugar final molasses, in tank-car loads.

From: Points in Colorado, Kansas, Nebraska, and Wyoming.

To: Chicago, Ill., and other points in Illinois and St. Louis, Mo.

Grounds for relief: Competition with water carriers, and market competition.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3600, supp. 175; W. J. Prueter, Agent, I. C. C. No. A-3560, supp. 240.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-4274; Filed, June 3, 1954;
8:48 a. m.]